U. S. DEPARTMENT OF LABOR
JAMES J. DAVIS, Secretary
BUREAU OF LABOR STATISTICS
ETHELBERT STEWART, Commissioner

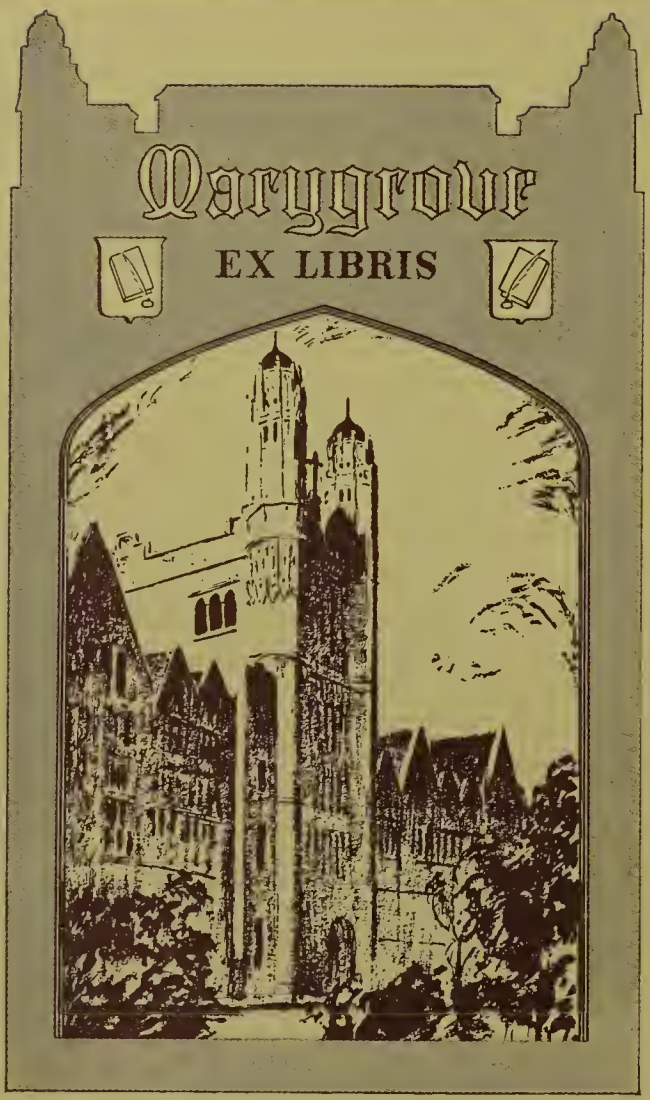
BULLETIN OF THE UNITED STATES BUREAU OF LABOR STATISTICS . . . . . No. 370

LABOR LAWS OF THE UNITED STATES SERIES

LABOR LAWS OF THE UNITED STATES WITH DECISIONS OF COURTS RELATING THERETO

MAY, 1925

WASHINGTON
GOVERNMENT PRINTING OFFICE
1925


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NO. 370 WASHINGTON APRIL, 1925

LABOR LAWS OF THE UNITED STATES, WITH DECISIONS OF COURTS RELATING THERETO

INTRODUCTION

Labor laws enacted in the United States have been published from time to time in the form of special reports and in the bulletins of this Bureau. The first undertaking in the way of a compilation of all the laws comprised the Second Special Report of the Commissioner of Labor, which appeared in 1892. It included legislation in force at the close of the year 1890. Digests were made of mechanics' lien and apprenticeship laws, and a list of legal holidays was given. A somewhat more inclusive construction was given to the term "Labor Laws" than that now followed by the Bureau, but a volume of 507 pages of law text, i. e., omitting summaries, index, etc., embodied the total labor legislation of that date.

A revision of that report, including legislation up to the beginning of the year 1896, was the next compilation. In that volume mechanics' lien laws were reproduced at length, and such extension, together with new legislation, brought the number of pages of law text up to 1,178.

The third compilation appeared in 1904 and included the laws in force at the beginning of that year. A number of changes were introduced at that time, notably the incorporation of side notes as a guide to the material reproduced and the placing of annotations from court decisions in connection with the laws to which they relate instead of in an appendix, as was done in the edition of 1896. The classification of labor laws was made somewhat stricter, and digests were made of convict labor laws and mechanics' lien laws. This resulted in holding the law text to 1,296 pages despite the narrowing of the text page by the use of the side notes.

The growth of labor legislation in the following years led to a further economizing of space in the next revision, which included the legislation of 1907, by digesting the laws on added subjects. However, the volume grew to 1,419 pages of law text, besides 105 pages of digests and an index of 22 pages.

The next revision took place in 1913, embodying the legislation of that year. Though added laws were summarized or digested, the compilation was of such magnitude as to require two volumes aggre-

gating 2,473 pages, while legislation subsequent to the year 1913 has added largely to the present bulletin.

The activity of the various State legislatures in the field of workmen's compensation, and the great length of the laws on this subject, has led to a continued separate presentation of this subject. However, the increasing bulk of the laws remaining to be considered has led to further condensation, two methods being used. One of these is that form of summarization already referred to, by which certain classes of laws were presented in a condensed form, or by representative statutes with citations to other legislation, such material being placed in a body as Part I of the compilation; while in the second part, made up of the text of the labor laws, an abridgment of several classes of laws has been practiced, notably mine regulations and laws regulating the employment of children. In both cases legislation is detailed and extensive, and is also very largely standardized, or at least similar in form and content. A representative law in each case is given in full, the laws of the other States being abridged, only the principal substantive provisions being noted. It was also thought desirable, to the end that the work may be reduced to a single volume, to discontinue the side headings, and place at the beginning of each section such analytical headings as seemed essential. The current revision, which is the sixth in order and the fourth by the present editor in direct charge of the work, therefore marks something of a departure from the compilations previously published. The legislation of 1824 is included, transitory laws and a few which appear obsolete or repetitious, even though appearing in the codes or compilations, being omitted.

The following table shows, for each jurisdiction, the date of the code, revision or compilation of laws used, and the date of the latest session laws examined:

DATE OF CODE, REVISION, OR COMPILATION OF LAWS USED AND OF LATEST SESSION LAWS EXAMINED

State	Title and date of code, revision, or compilation of laws used	Latest session laws examined	Sessions held—
Alabama	Code of 1923	1923	Quadrennially.
Alaska	Compiled Laws, 1913	1923	Biennially.
Arizona	Revised Statutes, 1913	1923	Do.
	Civil Code.		
	Penal Code.		
Arkansas	Digest of 1921	[1] 1923	Do.
California	General Laws, Political Code, Penal Code, 1906	1923	Do.
Colorado	Compiled Laws, 1921	1923	Do.
Connecticut	General Statutes, 1918	1923	Do.
Delaware	Revised Code, 1915	1923	Do.
District of Columbia	Code of 1911	1923	Annually.
Florida	Revised General Statutes, 1920	1923	Biennially.
Georgia	Political Code, Civil Code, Penal Code, 1911	1924	Annually.
Hawaii	Revised Laws, 1915	1923	Biennially.
Idaho	Compiled Statutes, 1919	1923	Do.
Illinois	Revised Statutes, 1917	1923	Do.
Indiana	Burns' Annotated Statutes, 1914	1923	Do.
Iowa	Code of 1897, Supplement of 1913, Supplemental Supplement of 1915	1924	Do.
Kansas	General Statutes, 1915	1923	Do.

[1] Also extra session, 1923.

DATE OF CODE, REVISION, OR COMPILATION OF LAWS USED AND OF LATEST SESSION LAWS EXAMINED—Continued

State	Title and date of code, revision, or compilation of laws used	Latest session laws examined	Sessions held—
Kentucky	Statutes, 1915	1924	Biennially
Louisiana	Revised Laws, 1897	1924	Do.
Maine	Revised Statutes, 1916	1923	Do.
Maryland	Annotated Code, 1911, 1914	1924	Do.
Massachusetts	General Laws, 1921	1924	Annually.
Michigan	Compiled Laws, 1915	1923	Biennially.
Minnesota	General Statutes, 1913	1923	Do.
Mississippi	Code of 1906	1924	Do.
Missouri	Revised Statutes, 1919	1923	Do.
Montana	Revised Codes, 1921	1923	Do.
Nebraska	Compiled Statutes, 1922	1923	Do.
Nevada	Revised Laws, 1912, 1919	1923	Do.
New Hampshire	Public Statutes, 1891	1923	Do.
New Jersey	Compiled Statutes, 1910	1924	Annually.
New Mexico	Annotated Statutes, 1915	1923	Biennially.
New York	Consolidated Laws, 1909	1924	Annually.
North Carolina	Consolidated Statutes, 1919	1924	Biennially.
North Dakota	Revised Codes, 1905	1923	Do.
Ohio	General Code, 1910	1923	Do.
Oklahoma	Revised Laws, 1910	[1] 1923	Do.
Oregon	Laws, 1920	1923	Do.
Pennsylvania	Statutes, 1920	1923	Do.
Philippine Islands	Administrative Code, 1917	1923	Annually.
Porto Rico	Revised Statutes and Codes, 1911	[1] 1923	Do.
Rhode Island	General Laws, 1923	1924	Do.
South Carolina	Civil Code; Code of Procedure; Criminal Code — 1912	1924	Do.
South Dakota	Revised Code, 1919	1923	Biennially.
Tennessee	Thompson's Shannon's Code, 1918	1923	Do.
Texas	Revised Civil Statutes; Revised Criminal Statutes — 1911	[1] 1923	Do.
Utah	Compiled Laws, 1917	1923	Do.
Vermont	General Laws, 1917	1923	Do.
Virginia	Annotated Code of 1919	1924	Do.
Washington	Codes and Statutes, 1910	1923	Do.
West Virginia	Codo, 1913; Supplement, 1918	1923	Do.
Wisconsin	Statutes, 1923	1923	Do.
Wyoming	Compiled Statutes, 1910	[1] 1923	Do.
United States	Compiled Statutes, 1916; Supplements, 1919, 1923.	1924	Annually.

[1] Also extra session, 1923.

PART I.—DIGESTS AND SUMMARIES OF CERTAIN CLASSES OF LAWS AFFECTING LABOR

APPRENTICES

Laws regulating industrial apprenticeship are clearly labor laws. However, the industrial importance of apprenticeship has so far diminished with the prevalence of machine industry that several States have no laws on the subject.[1] Alaska, Arizona, Idaho, Nebraska, and Wyoming seem never to have had any laws of this type. The laws of the other States named have been either repealed specifically or omitted in later codifications of their laws. Maine repealed its industrial law in 1915 (ch. 45), but retains some statutes that contemplate a kind of eleemosynary or corrective apprenticeship. A smaller number of States[2] have laws exclusively of this latter form; while as a rule the States having laws of an industrial

[1] Alaska, Arizona, Idaho, Massachusetts, Missouri, Nebraska, North Carolina, Ohio, Oregon, South Dakota, and Wyoming.

[2] Hawaii, Kentucky, Maine, Minnesota, Mississippi, Oklahoma, Tennessee, Texas, and Washington.

aspect also make specific provision for pauper and delinquent children.

The present account is confined to such legislation as is directed to the apprenticeship of young persons for purposes of learning trades, except as it is inextricably mingled with provisions affecting orphans or the poor. The laws are mostly of a form comparatively old, some retaining their principal features unchanged since before the middle of the last century. A conspicuous exception is the law of Wisconsin, which was revised in 1915 (ch. 133), so as to establish a system of apprenticeship under State supervision. This statute is reproduced as purely industrial, and of a distinctive type. The law of the District of Columbia is a fairly recent enactment, embodying the fundamental principles of an apprenticeship law freed from ideas of the care of paupers or delinquents. It is also reproduced as a type of industrial legislation, embodying the more usual provisions as to terms and conditions found in the older laws.

DISTRICT OF COLUMBIA—CODE OF 1911

SECTON 402. *By whom bound.*—A minor child may be bound as an apprentice by his guardian; or, if none, by his father; or, if neither father nor guardian, by his mother, with the consent, entered of record, of the probate court, or without such consent if the minor, being 14 years of age, agree in writing to be so bound; or by the probate court as hereinafter provided.

SEC. 403. *Term.*—The utmost term of any apprenticeship shall be until the apprentice attains the age of 21 if a boy, or 18 years if a girl.

SEC. 404. *Contract.*—The writing by which such minor is bound as apprentice shall specify his age and what art, trade, or business he is to be taught. The master shall be bound to teach the same, and also to teach him reading, writing, and common arithmetic, and to supply him with suitable clothing and maintenance, and pay such amount, if any, as may be agreed upon for his services and expressed in the contract. The writing by which any minor is bound shall be filed in the office of the register of wills, and until it be so filed the master shall not be entitled to the services of said apprentice.

SEC. 405. *Complaints.*—The probate court, during the term of any apprenticeship, may hear complaint of the apprentice, indentured child, or anyone in his behalf, against the master or person to whom indentured, for undeserved or excessive correction, want of instruction, insufficient allowance of food, clothing, or lodging, or nonpayment of what was agreed to be paid; or the complaint of the master or person to whom indentured against the apprentice or indentured child for desertion or other misconduct; and, after reasonable notice of the complaint to the party against whom it is made, may determine the matter in a summary way and discharge either party from the contract of apprenticeship, or make such order as the case may require.

SEC. 406. *Removal of apprentice.*—No master of an apprentice shall send or carry his apprentice out of the District, except in the case of mariners; and the said probate court, on being credibly informed that any master designs so to remove his apprentice, may require him to give bond conditioned against such removal, and on his refusal so to do may discharge the apprentice.

SEC. 407. *Assignments.*—The contract of apprenticeship, with the approbation of said court, may be assigned by the master, or, after his death, by his personal representatives, on such terms as the court may prescribe.

SEC. 408. *Concealment.*—If any person shall conceal, harbor, or facilitate the running away of an apprentice, he shall be liable to an action therefor by the master, either in the said supreme court or before any justice of the peace, according to the amount of damages claimed.

SEC. 409. *Form of contract.*—The form of the contract of apprenticeship shall be the following, or to the same effect:

This indenture witnesseth, that it is mutually agreed between ——— and ——— that ———, a minor, aged — years shall be taken and held as an apprentice for the term of ——— years, by the said ———; and the said ——— contracts and covenants with the said ——— to faithfully and carefully instruct the said ——— in all the handicraft of a ———. (And the said ———

further contracts and covenants that the said minor shall be allowed, as compensation for his services, at the rate of ———.)

Witness our hands and seals this ——— day of ———.

——— ——— [SEAL.]
——— ——— [SEAL.]

Acknowledged before me, a notary public (or justice of the peace), this ——— day of ———.

A. B., *Notary Public.*

SEC. 410. *To whom money to be paid.*—The money which the master is to pay shall be paid to the father or other party contracting with the master, or to the minor, in whole or in part, as said probate court may direct.

SEC. 411. *Jurisdiction of probate court.*—[This relates to orphans, abandoned children, etc.]

WISCONSIN STATUTES

SECTION 106.01. The term "apprentice" shall mean any minor, 16 years of age or over, who shall enter into any contract of service, express or implied, whereby he is to receive from or through his employer, in consideration for his services in whole or in part, instruction in any trade, craft, or business.

2. Every contract or agreement entered into by an apprentice with his employer shall be known as an indenture; such indenture shall be in writing and shall be executed in triplicate, one copy of which shall be delivered to the apprentice, one to be retained by the employer, and one to be filed with the Industrial Commission of Wisconsin at Madison.

3. Any minor 16 years of age or over may, by the execution of an indenture, bind himself as hereinafter provided for a term of service not less than one year.

4. Every indenture shall be signed:

(1) By the minor.
(2) By the father; and if the father be dead or legally incapable of giving consent or has abandoned his family, then
(3) By the mother; and if both the father and mother be dead or legally incapable of giving consent, then
(4) By the guardian of the minor, if any.
(5) If there be no parent or guardian with authority to sign, then by two justices of the peace of the county of the residence of the minor, or by a member of the Industrial Commission of Wisconsin or a deputy thereof.
(6) By the employer.

5. Every indenture shall contain:

(1) The names of the parties.
(2) The date of the birth of the minor.
(3) A statement of the trade, craft, or business which the minor is to be taught, and the time at which the apprenticeship shall begin and end.
(4) An agreement stating the number of hours to be spent in work, and the number of hours to be spent in instruction. During the first two years of his apprenticeship, his period of instruction shall be not less than four hours per week or the equivalent. If the apprenticeship is for a longer period than two years, the total hours of instruction shall be not less than 400 hours. The total number of hours of instruction and service shall not exceed 55 per week: *Provided*, That nothing in this paragraph shall be construed to forbid overtime work as provided in subsection 7 of section.
(5) An agreement as to the processes, methods, or plans to be taught, and the approximate time to be spent at each process, method, or plan.
(6) A statement of the compensation to be paid the apprentice.
(7) An agreement that a certificate shall be given the apprentice at the conclusion of his indenture, stating the terms of his indenture.

6. The employer shall pay for the time the apprentice is receiving instruction at the same rate per hour as for services. Attendance at school shall be certified by the teacher in charge and failure to attend school shall subject the apprentice to a penalty of loss of compensation for three hours for every hour such apprentice shall be absent without good cause.

7. An apprentice over 18 years of age may be allowed to work overtime not to exceed 30 hours in any one month. Overtime shall be considered all time over 10 hours in any one day, and in case the hours of labor are limited in the particular craft, industry, or business, and as to the particular employer, to less than 10 hours, overtime shall be figured as all time in any one day in excess of such limitation. For overtime the apprentice shall receive one and one-half times the rate per hour provided in his contract for regular time.

8. If either party to an indenture shall fail to perform any of the stipulations thereof, he shall forfeit not less than $1 nor more than $100, such forfeiture to be collected on complaint of the Industrial Commission of Wisconsin and paid into the State treasury. Any indenture may be annulled by the Industrial Commission of Wisconsin upon application of either party and good cause shown.

9. It shall be the duty of the Industrial Commission of Wisconsin, and it shall have power, jurisdiction, and authority to investigate, ascertain, determine, and fix such reasonable classifications and to issue rules and regulations and general or special orders as shall be necessary to carry out the intent and purposes of section 106.01 of the statutes. Such investigations, classifications, and orders and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 101.01 to 101.28, inclusive, of the statutes [relating to the duties and powers of the industrial commission as to places and conditions of employment], which are hereby made a part hereof, so far as not inconsistent with the provisions of section 106.01 of the statutes; and every order of the said industrial commission of Wisconsin shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violations of section 106.01 of the statutes, excepting as to the penalties provided in subsection 8 of section 106.01.

10. It shall be the duty of all school officers and public-school teachers to cooperate with the Industrial Commission of Wisconsin and employers of apprentices to furnish, in a public school or any school supported in whole or in part by public moneys, such instruction as may be required to be given apprentices.

The foregoing reproductions indicate with adequate fullness the principal features of apprenticeship legislation. The relative unimportance of the subject from a legislative viewpoint and the extent to which the laws thereon are crystallized are indicated by the fact that, with the exception of repealing legislation, no act or amendment on the subject of industrial apprenticeship has been enacted in any other jurisdiction than Wisconsin for at least 10 years.

Following is a list of the States having laws on the subject, with citations. These omit the sections devoted to the binding out of orphan, pauper, or delinquent children by the courts or by institutions:

Arkansas.—Digest, secs. 408–413, 5585.
California.—Civil C., secs 265, 266, 269–276; Penal C., secs. 646, 651.
Colorado.—C. L., secs. 5516–5519, 5523–5539.
Connecticut.—G. S., secs. 5294, 5295, 5297–5300.
Delaware.—R. C., secs. 3101, 3102, 3104–3121.
District of Columbia.—Code, secs. 402–411.
Florida.—R. G. S., secs. 4011–4013, 4015, 5064.
Georgia.—Civil C., secs. 3117–3123, 3125–3128; Penal C., secs. 121, 122.
Illinois.—R. S., ch. 9, secs. 1, 2, 5, 8–19.
Indiana.—A. S., secs. 8381, 8382.
Iowa.—Code, secs. 3229, 3230, 3232, 3233, 3235–3249.
Kansas.—G. S., secs. 384–388, 391–407.
Louisiana.—R. L., p. 16, secs. 70–84.
Maryland.—A. C., Art. VI, secs. 1–9, 20, 21, 23–30.
Michigan.—C. L., secs. 11492–11495, 11497, 11499–11517.
Montana.—R. C., secs. 5890–5899.
Nevada.—R. L., secs. 482, 484–497.
New Hampshire.—P. S., ch. 180, secs. 1–13.

New Jersey.—C. S., p. 99, secs. 1–16.
New Mexico.—A. S., secs. 233–237.
New York.—Con. L., p. 2595, sec. 493.
North Dakota.—R. C., secs. 4143–4145, 4148–4161.
Pennsylvania.—Statutes, secs. 579–583.
Rhode Island.—G. L., ch. 91, secs. 1–4, 7–11, 14–21.
South Carolina.—Civil C., secs. 3799–3803, 3806–3808.
Utah.—C. L., secs. 260, 262–267, 269.
Vermont.—G. L., secs. 3731–3734, 3736, 3737, 3739–3753.
Virginia.—A. C., secs. 5298, 5301–5313.
West Virginia.—Code, secs. 3933, 3935–3946.
Wisconsin.—Statutes, sec. 106.01.

VOCATIONAL EDUCATION

To meet the need of some form of mechanical training and thus in a sense to compensate for the decline of the apprenticeship system, there has come into existence quite generally a body of laws providing for vocational training.

STATE AND FEDERAL COOPERATION

The laws of the States are mainly a recognition of action initiated by the Federal Congress, which on February 23, 1917 (39 Stat. 929), created a board on vocational education consisting of the Secretaries of Agriculture, Commerce, and Labor, the United States Commissioner of Education, and three citizens, one representing manufacture and commerce, one representing agriculture, and one representing labor. This board is particularly charged with the encouragement of education in lines of agriculture, industry, and home economics. The plans for such education are to be formulated by the State authorities, the approval of the Federal board being required. An appropriation is made for the expenses of the Federal board and separate funds for cooperation with the States in the work in view. Allotments are to be made for instruction in agriculture in proportion to the rural population in the States and for instruction in industry and home economics in proportion to the urban population. The States are to meet the allotments by appropriations for the respective purposes equal to those made by the Federal Government, the allotments made to be increased from year to year until the maximum is reached in eight years. An act of March 10, 1924 (43 Stat. 17), extends the provisions of this law to the Territory of Hawaii.

This is not a labor law under strict classification, but closely borders the field. All of the States have accepted the provisions of this statute, some making specific appropriations, others pledging the good faith of the State to meet the allotments on the basis fixed by the Federal statute, still others directing a distribution of the educational funds of the State in accordance with the methods of administration laid down by the Federal law. In some States a separate board is designated as a board of vocational education, though more commonly the existing State board of education is authorized to act in this regard.

Following is a list of the laws by which the States have accepted the proffered cooperative system:

Alabama.—Acts of 1919, No. 92.
Arizona.—Acts of 1917, ch. 44; 1919, ch. 134.

Arkansas.—Digest, secs. 8767–8780.
California.—Acts of 1917, ch. 720.
Colorado.—C. L., secs. 8134–8143.
Connecticut.—Statutes, sec. 829 (am. 1923, ch. 171).
Delaware.—Acts of 1917, ch. 183.
Florida.—R. G. S., secs. 660–667.
Georgia.—Acts of 1919, p. 361.
Idaho.—C. S., secs. 1002–1009.
Illinois.—Acts of 1919, p. 928.
Indiana.—Acts of 1917, ch. 112.
Iowa.—Acts of 1917, ch. 290 (am. 1919, ch. 337), ch. 300.
Kansas.—Acts of 1917, ch. 280.
Kentucky.—Acts of 1918, ch. 7 (am. 1920, ch. 78).
Louisiana.—Acts of 1918, No. 52.
Maine.—Acts of 1917, ch. 186.
Maryland.—Acts of 1918, ch. 72.
Massachusetts.—G. L., ch. 74, secs. 19–22.
Michigan.—Acts of 1919, No. 149.
Minnesota.—Acts of 1917, ch. 491.
Mississippi.—Acts of 1924, ch. 283.
Missouri.—R. S., secs. 11269–11271.
Montana.—R. C., secs. 3044–3049.
Nebraska.—C. S., secs. 6554a–6557.
Nevada.—R. L., 1919, p. 2960.
New Hampshire.—Acts of 1917, ch. 226.
New Jersey.—Acts of 1917, ch. 119.
New Mexico.—Acts of 1917, ch. 2, extra session.
New York.—Acts of 1917, ch. 576.
North Carolina.—Con. S., secs. 5502–5504.
North Dakota.—Acts of 1919, ch. 203.
Ohio.—Acts of 1917, p. 579 (am. 1919, p. 356).
Oklahoma.—Acts of 1917, ch. 155.
Oregon.—Laws, secs. 4966–4973.
Pennsylvania.—Statutes, secs. 21474–21477.
Rhode Island.—G. L., ch. 68, sec. 6.
South Carolina.—Acts of 1917, No. 14; 1919, No. 34.
South Dakota.—R. C., secs. 7406–7410, (am. 1919, ch. 184).
Tennessee.—Code, sec. 1400a–21.
Texas.—Acts of 1923, ch. 131.
Utah.—Acts of 1919, ch. 86.
Vermont.—G. L., secs. 1304, 1305.
Virginia.—Acts of 1918, ch. 73 (am. 1920, ch. 479).
Washington.—Acts of 1919, ch. 160.
West Virginia.—Code Supp., secs. 2288d–2288h.
Wisconsin.—Statutes, secs. 20.337, 20.338.
Wyoming.—Acts of 1917, ch. 99.

STATE SYSTEMS

Besides the foregoing there has been some independent legislation, a standardized law having been adopted in 1913 in Indiana, New Jersey, and Pennsylvania; while in New York, in the same year, a law embodying the same general principles, but differing in form, was also enacted. The laws of the first three States named also vary in detail, and that of Indiana has been considerably amended. The law of Pennsylvania (No. 92, acts of 1913) is here reproduced as setting forth the main provisions of this class of laws.

PENNSYLVANIA STATUTES

Employment of children—Vocational education

SECTION 5139. *Definitions.*—The following words and phrases as used in this act shall, unless a different meaning is plainly required by the context, have the following meaning:

1. "Vocational education" shall mean any education, the controlling purpose of which is to fit for profitable employment.

2. "Industrial education" shall mean that form of vocational education which fits for the trades, crafts, and manufacturing pursuits, including the occupations of girls and women, carried on in workshops.

3. "Agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil, the care of domestic animals, forestry, and other wage earning or productive work on the farm.

4. "Household arts education" shall mean that form of vocational education which fits for occupations connected with the household.

5. "Industrial, agricultural, or household arts school or department," or "vocational school or department," shall mean a distinctive organization of courses, pupils, and teachers approved by the State board of education, designed to give their industrial, agricultural, or household arts education, as herein defined.

6. "Evening class," in an industrial agricultural school or department, shall mean a class giving such training as can be taken by persons already employed during the working-day, and which, in order to be called vocational, must in its instruction deal with the subject matter of, and be so carried on as to relate to, the day employment.

7. "Evening class," in a household arts school or department, shall mean a class giving training in home making to girls or women, over fourteen years of age, however they may be employed or engaged during the day.

8. "Part-time or continuation class," in an approved agricultural or household arts school or department, shall mean a vocational class for persons giving a part of their working-time to profitable employment, and receiving in the part-time school or department instruction complementary to the practical work carried on in such employment. To give "a part of their working time" such person must give part of each day, week, or longer period, to such part-time class during the period in which it is in session.

9. "Household arts school or department" shall mean a vocational school designed to develop, on a vocational basis, the capacity for household work, such as cooking, household service, and other occupations in the household.

SEC. 5140. *Supervision.*—The State board of education is hereby authorized and directed to investigate, and to aid in the introduction of, industrial, agricultural, and household arts education; to assist in the establishment of schools and departments for the aforesaid forms of education, and to inspect and approve such schools or departments as are hereinafter provided. The State board of education shall make a report annually to the governor and legislature describing the condition and progress of industrial, agricultural, and household arts education during the year, and making such recommendations as the board may deem advisable.

SEC. 5141. *State superintendent to administer.*—The State superintendent of public instruction shall be the executive officer of the State board of education for the administration of this act. He shall appoint, from time to time, with the approval of the State board of education, such expert assistants, other than those already provided for by law, as may be necessary in industrial, household arts, or agricultural education and all clerical and other agents necessary in carrying out the provisions of this act.

SEC. 5142. *Classes; age limit.*—In order that instruction in the principles and the practice of arts may go on together, industrial, agricultural, and household arts schools or departments may offer instruction in day, part-time, and evening classes. Attendance upon such day, evening, or part-time classes shall be restricted to those over fourteen.

SEC. 5143. *Local administration.*—Any school district may, through its board of school directors, establish and maintain industrial, agricultural, and household arts schools or departments.

SEC. 5144. *Joint schools.*—Two or more districts may, as provided in article eighteen, sections one thousand eight hundred and one to one thousand eight hundred and eight, inclusive, of the School Laws of Pennsylvania of one thousand nine hundred and eleven, * * * through a joint school committee, establish and maintain industrial, agricultural, or household arts schools or departments, to be known as joint vocational schools or departments.

SEC. 5145. *Advisory committee.*—Local school boards and joint school committees administering approved industrial, agricultural, or household arts schools or departments, may, under a plan to be approved by the State board

of education, appoint an advisory committee composed of members representing local trades, industries, and occupations. It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees, and other school officials, having the management and supervision of such schools.

There is a measure of control of the relations of employer and employees in these laws, but they are in the main a branch of the educational activities of the State rather than industrial in their effect. They are but few, as follows:

California.—Acts of 1919, ch. 506.
Indiana.—A. S., secs. 6641a–6641k (am. 1919, ch. 132; 1921, ch. 173).
New Jersey.—Acts of 1913, ch. 294; 1916, ch. 242.
New York.—Acts of 1919, ch. 531 (am. 1921, ch. 386).
Pennsylvania.—Statutes, secs. 5139–5148.

SCHOOLS FOR EMPLOYED CHILDREN

Partly of the same intent as vocational training and partly to meet the educational needs of children in employment, a number of States have provided by law for so-called continuation schools for employed children, contemplating attendance for a part of the day or in the evening. Provision may also be made for aliens, minor or adult, and for illiterates beyond ordinary school age. The Illinois statute is representative of this class of laws:

ILLINOIS, ACTS OF 1919

Employed children—School attendance

(P. 919, am. 1921, p. 815)

SECTION 1. *Schools to be established.*—Part-time or continuation school or classes may be established and maintained as hereinafter provided. The board of education or school directors of each city and of each school district in which there are twenty or more minors above the age of fourteen years and below the age of sixteen years who are not in regular attendance upon all-day school may, at the discretion of the board of education or school directors of each city and each school district, beginning in September, 1921, establish and maintain part-time or continuation school or classes in which minors shall receive instruction, and such schools or classes may be established and maintained in each city or school district on and after September 1, 1923, in which there are twenty or more minors above the age of fourteen years and below the age of seventeen years who are not regular attendants upon all-day schools, and such schools or classes on and after September 1, 1925, may, at the discretion of the board of education or school directors of each city and school district, be established and maintained in each city or school district in which there are twenty or more minors above the age of fourteen years and below the age of eighteen years who are not in regular attendance upon all-day schools. Such schools or classes shall be established under the control and management of the board of education or school directors, as the case may be, and shall be a part of the public school system of the city or district which establishes and maintains them.

Such part-time or continuation schools or classes when established shall be maintained each year during the full period of time when the public schools of the city or district are in session. The sessions of such part-time or continuation schools or classes shall be held on the regular business days, except that they shall not be held on Saturday afternoon.

SEC. 2. *Courses.*—Such part-time or continuation schools or classes shall afford instruction in any one or in any combination or in all of the following subjects: (a) Those subjects usually taught in the public schools, so as to permit the students in the continuation school classes to continue their education from the point where they left it in order to go to work; (b) civic and vocational subjects; and (c) those subjects which supplement the daily occupations of the students.

SEC. 4. *Attendance.*—Every minor between the ages of fourteen and eighteen years, who is regularly and lawfully employed in some occupation or service, unless such minor has completed a four-year secondary course of instruction, shall attend part-time or continuation school or class, when and where such school or class has been established and is maintained for the instruction of minors of such minor age, in the city or district in which such minor resides or may be employed after such school or class has been established therein. Such attendance shall be for not less than eight hours per week for at least thirty-six weeks each year, or three hundred hours if such attendance is confined to a period of three successive months. The attendance upon a part-time or continuation school or class shall be between the hours of eight o'clock in the forenoon and five o'clock in the afternoon on regular business days except Saturday afternoons. The time spent in a part-time or continuation school or class by a minor shall be reckoned as a part of the time or number of hours said minor is permitted by law to work. A minor employed, or kept at home, in the service or assistance of any parent, guardian, or person having the control or custody of such minor shall be considered as a minor lawfully and regularly employed in some occupation or service.

SEC. 7. *Duty of parents.*—Every parent, guardian, or other person having the custody or control of a minor required under the provisions of this act to attend a part-time or continuation school or class shall cause such minor to attend such school or class. A parent, guardian, or other person who refuses or willfully fails to comply with this provision of the law shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than twenty-five dollars and not more than one hundred dollars.

SEC. 8. *Duty of employers.*—Any person, firm, or corporation employing a minor between the ages of fourteen and eighteen years required under the provisions of this act to attend a part-time or continuation school or class shall permit such minor to attend such school or class whenever such school or class shall have been established in the city or school district where the minor resides or may be employed; and any such person, firm, or corporation willfully violating this provision shall for each violation be subject to a fine of not less than twenty-five dollars and not more than two hundred dollars for each offense, at the discretion of the court. Any person, firm, or corporation employing any such minor who fails to attend part-time or continuation school or class as required herein shall immediately discontinue the services of such minor upon receiving from the school authorites written notice of the failure of such minor to attend such part-time or continuation school or class, and any person, firm, or corporation willfully violating this provision shall be subject to a fine of fifty dollars for each offense.

SEC. 9. *Enforcement.*—The school officials charged with the responsibility of enforcing the compulsory attendance laws of this State shall also be responsible for the enforcement of the attendance upon part-time or continuation schools or classes in accordance with the terms of this act.

SEC. 10. *Teaching at home.*—Nothing in this act contained shall be held, deemed, or construed as having any application to children or minors who attend private or parochial day schools or to children or minors who are receiving equivalent educational training or instruction in the homes of their parents or guardians either by said parents or guardians or by private tutors provided by said parents or guardians.

Laws of like tenor in other States may be summarized as follows.

Arizona.—If 15 or more employment certificates have been issued in any school district, a part-time school or class shall be established for not less than 150 hours per year, between the hours of 8 a. m. and 6 p. m., attendance to be compulsory to 16 and to count as work time. (Acts of 1919, ch. 113.)

California.—Any high-school district having 50 or more pupils enrolled must provide vocational training by part-time classes between 8 a. m. and 5 p. m. for young persons of 14 to 18 not subject to the compulsory school attendance law; evening classes must be maintained if there are 20 or more persons, 18 to 21, who have not completed the sixth grade. Attendance is compulsory as to both

age groups. Special classes are to be maintained for persons under 18 who can not speak, read, or write English. Vocational subjects, citizenship, and general educational courses are to be taught. Attendance counts as work time. (Acts of 1917, ch. 717; 1919, ch. 500.)

Connecticut.—Children 14 to 16 years of age who have not completed the eighth grade must attend continuation schools four hours per week during the school year, between 8 a. m. and 5 p. m., attendance to count as working time. (Acts of 1921, ch. 259.)

Delaware.—Part-time schools and classes are to be maintained in all school districts where 15 or more children between 12 and 16 have employment certificates, instruction to be given in "general, civic or vocational subjects for such employed children." School hours are between 8 a. m. and 5 p. m., except on Saturday, when they are between 8 a. m. and noon. Attendance for 4 hours per week for 36 weeks is compulsory, and counts as work time. (Acts of 1921, ch. 162.)

Florida.—If there are 15 or more children exempt from compulsory school attendance in any district, a part-time school must be established, to give instruction in "subjects designed to enlarge the civic or vocational intelligence of such children." Employers must permit attendance for 144 hours during the school year; but if there is a night school in the district, attendance thereon will be an equivalent. (Acts of 1921, ch. 8550.)

Illinois.—[See text of law, above.]

Indiana.—Part-time schools or classes, between 8 a. m. and 5 p. m., may be established in the discretion of the school authorities. If established, regularly employed youths over 14 and under 16 may be required to attend not less than 4 nor more than 8 hours per week during the school term. (A. S., secs. 6641b–6641k, am. 1919, ch. 132, 1921, ch. 173.)

Iowa.—Part-time schools or classes may be organized in any school district where 15 or more young persons between 14 and 16 hold work certificates, or are employed in mercantile establishments and have not completed the eighth grade, or have completed the eighth grade and have not engaged in a useful occupation. Instruction is to enlarge civic or vocational intelligence. The hours are to be between 8 a. m. and 6 p. m., and attendance is to be not less than 8 hours per week during the term of the public schools. (Acts of 1919, ch. 94.)

Maine.—Part-time continuation schools or classes are authorized, "to improve the industrial and civic efficiency of persons between the ages of 14 and 18 now engaged in industrial occupations," who have not completed an elementary school course. Classes are to be conducted for 144 hours during the year, and shall fall within the regular working hours of the person employed. (Acts of 1919, ch. 205.)

Massachusetts.—Towns in which 20 or more employment certificates have been issued to persons who have not completed the sixth grade must maintain evening schools for at least 40 evenings during the school year. Minors over 16 and under 21 can not be employed if they have not completed the sixth grade, unless they are in regular attendance on an evening or day school. Continuation schools must be provided between 8 a. m. and 5 p. m. during the school term if 200 or more minors under 16 are employed not less than six hours

per day. Attendance is compulsory for at least four hours per week, and is to be counted as work time. (G. L., ch. 71, secs. 18, 21–25; ch. 149, secs. 65 (amended 1921, ch. 351), 95.)

Michigan.—School districts of 5,000 population or more, having at least 50 children under 17, employed, or for other reasons ceasing to attend school, who have not completed two years of high school, must establish part-time vocational or general continuation schools; other school districts may do so. The term is to equal that of the public schools, and attendance is required for not less than 8 hours per week, "4 hours of which may consist of supervised instruction given under working conditions," approved by the superintendent of schools and the State board of control for vocational education. If the wages of a child are essential for support of self or family, attendance may be excused. (Acts of First Extra Session, 1921, No. 15.)

Missouri.—School districts in which 25 employment certificates are in force for children under 16 must establish part-time schools or classes for not less than four hours per week for a term not less than that of the regular school session. Attendance is compulsory, and counts as work time. When such schools exist, children under 18 who have not completed an elementary course must attend not more than four hours per week between 8 a. m. and 5 p. m. (R. S., secs. 11285, 11328.)

Montana.—School districts, or districts of the first class in which a county high school is located, if not fewer than 15 children therein, between 14 and 18 years of age, have entered on employment, shall establish part-time schools or classes. Instruction may be supplemental to their work, of general educational value, or to "promote their civic or vocational intelligence," for not less than 4 hours per week, between the hours of 8 a. m. and 6 p. m., during the school term. Attendance is counted as work time, and is compulsory unless excused as provided by the school law. (R. C., secs. 1141–1155.)

Nebraska.—The public school board in any district in which 15 or more children between 14 and 16 years of age are regularly and legally employed shall establish a part-time school or class. Attendance is required for not less than 8 hours per week, unless a high-school course has been completed, or there is mental or physical incapacity for the work. (C. S., sec. 6566.)

Nevada.—Part-time schools or classes must be provided in school districts where at least 15 children between 14 and 18 reside or are employed. Instruction is to be not less than 4 hours per week, between 8 a. m. and 6 p. m., in general subjects or such as will promote civic and vocational intelligence. Attendance is compulsory unless eight grades of school work have been completed and attendance would jeopardize satisfactory employment, or the distance is too great, or the student is satisfactorily apprenticed, or is excusable under the compulsory attendance law. (R. L., 1919, pp. 2957–2959.)

New Hampshire.—Persons between 16 and 21 who can not read and speak English understandingly must, unless excused by the commissioner of education, attend an evening or special day school until a minimum course is completed. Persons over 16 engaged in cutting, harvesting, or driving pulpwood and those temporarily engaged in

construction or agricultural work are excused. (Acts of 1921, ch. 85, Part III, secs. 6, 7.)

New Jersey.—Children between 14 and 16, employed under an age and schooling certificate, must attend a continuation school at least 6 hours per week for not less than 36 weeks per year. Such schools must be maintained where there are 20 or more such children. (Acts of 1919, chs. 35, 152.)

New York.—Part-time or continuation schools must be established in cities and school districts having a population of 5,000 or more, if there are 200 or more minors between 14 and 18 not in regular attendance on full-time day school instruction; also where there is a smaller number of minors if such action is properly authorized. These may be in factories or mercantile establishments, but must be under the control of the local school authorities.

Sessions must be maintained throughout the entire school year for such time between 8 a. m. and 5 p. m. as may be necessary to meet the local needs. Courses shall be in history, citizenship, industrial subjects, and "such other subjects as will enlarge the vocational intelligence of such minors." Attendance is compulsory for not less than 4 nor more than 8 hours per week, unless a four-year secondary course of instruction has been completed. Employed minors, 16 to 21, not literate in the English language equivalent to the fifth grade of the public schools, must attend a day or evening school if physically and mentally fit. The employer may meet this requirement by conducting a class or classes in his establishment under the supervision of the local school authorities. Evening vocational schools are also to be provided, for pupils who are regularly and lawfully employed during the day, to "provide instruction in subjects related to the practical work carried on in such employment." (Con. L., ch. 16, secs. 94 (am. 1920, ch. 852), 600, 601 (am. 1924, ch. 524), 637 (added 1918, ch. 415).)

Ohio.—Part-time schools or classes may be established "for the further education of children who are employed on age and schooling certificates." A minimum of 4 hours per week, not less than 144 hours per year, between 7 a. m. and 6 p. m., is prescribed, excluding Saturday afternoon and Sunday. Employment certificates are required to 18 years of age. Attendance is compulsory unless an equivalent amount of work to that given in the part-time schools has been taken. (G. C., secs. 7647–1, 7762–5, 7767–7767–2 (am. 1921, p. 376).)

Oklahoma.—If 20 or more minors 16 to 18 years of age are employed in any school district a part-time school or class must be conducted for not less than 144 hours per year. Attendance is required unless at least 2 years of high school have been completed. (Acts of 1919, ch. 235.)

Oregon.—If not less than 15 children between the ages of 14 and 18 have entered employment in any school district, the school board shall establish part-time schools and classes unless excused by the State superintendent for reasons deemed by him valid. School shall be in session not less than 5 hours per week between 8 a. m. and 6 p. m. during the term of the public school. Employed children must attend not less than 5 hours per week or 180 hours per year unless they have completed the eighth grade of the public-school work. In-

struction is to be in lines of general education or "to promote their civic or vocational intelligence." Attendance counts as work time. (Laws, secs. 5100–5112.)

Pennsylvania.—Employed children between 14 and 16 years of age must attend school not less than 8 hours per week in a school approved by the State superintendent of public instruction. The school may be conducted in the establishment where the minor is employed or in a public-school building, or elsewhere as designated by the school directors of the district, but must be within reasonable access to the place of employment. The school hours must be between 8 a. m. and 5 p. m., none on Saturday. (Statutes, sec. 13287.)

Utah.—Employed minors 16 to 18 years of age, and those under 16 legally excused to enter employment, must attend a part-time or continuation school at least 144 hours per year unless they have completed the high-school course, or are taught at home, or are physically or mentally incapacitated for attendance, or the school is too remote. Attendance counts as work time. Schools must be in session not less than 4 hours per week between the hours of 8 a. m. and 6 p. m. Instruction shall be either supplemental to the work of their employment, continuing their general education, or adapted to promote a civic and vocational intelligence. (Acts of 1919, ch. 92.)

Washington.—Part-time schools or classes may be established on written request of 25 or more adult residents if there are 15 or more minors 14 to 18 years of age resident or employed in any school district. These shall continue for at least 4 hours per week, between the hours of 8 a. m. and 5 p. m. on school days or between the hours of 8 a. m. and 12.30 p. m. on Saturdays during the school term. Attendance counts for work time. Instruction is to accord with the plans of the State board approved by the State board for vocational education. (Acts of 1919, ch. 151.)

West Virginia.—Part-time and evening schools and classes are authorized in cities of more than 10,000 population, and in cities, towns, or subdistricts in which 50 or more minors 14 to 16 years of age are not in regular attendance upon improved instruction. Sessions between 8 a. m. and 5 p. m. must continue as many hours as necessary to provide the required instruction. Attendance of employed minors under 16 is required for not less than 4 nor more than 8 hours per week, not less than 144 hours for the school year unless 8 years of elementary schooling have been completed. (Acts of 1919, ch. 2, sec. 129, as amended 1921, ch. 4.)

Wisconsin.—Children employed under work certificates must attend an established day vocational school at least half time until 16, and after that 8 hours per week until 18, unless they have completed a four-year high school course. Attendance is to be deducted from work time, and must be for 8 months per year, or longer if the school term is longer. (Statutes, sec. 103.14.)

MOTHERS' PENSIONS

A measure of law that exists in most States of the Union provides for monthly allowances to mothers of needy children, usually under the age of employment. However, where an educational qualification

for an employment certificate debars the issue of such certificate to a child otherwise eligible, the mother's pension affords support during the period of further school attendance. Relief is conditional on need, character, and citizenship, and is granted to widows, deserted mothers, the wives of incompetents or of husbands in detention for crime or insanity. It is clear that the provision is a form of out-door relief to avoid the necessity of institutional care or other breaking up of the home. However, there is an industrial aspect to such legislation in that it furnishes a constructive substitute for that provision of the child labor laws sometimes found that waives the age standard for the employment of any child in cases in which its labor "is necessary for the support of itself or to assist in the support of its family." Support also usually terminates when the age for legal employment is reached. Moreover, it is provided in many States that the mother must keep the home, so that it affects the employment of women as well.

There is a large degree of uniformity in the laws, the age limit and amounts varying somewhat in the different States, as well as the details of conditions precedent and the methods of administration. Thus funds may be provided by the county or municipality alone or the State may also contribute. Administration may be purely local or there may be a State agency to supervise and unify procedure or the State agency may be dominant. Sometimes existing poor-relief agencies administer the law, but more often there is a special agency for the purpose. In spite of such variations as exist, however, it is believed that the general similarity of the laws in principle and in fundamental provisions permits the fair use of a representative law as standing for such legislation generally; while the border-line character of the subject matter from the standpoint of labor likewise suggests a limited presentation thereof in this compilation. The subject has also received detailed consideration at the hands of the Children's Bureau.

The law of Minnesota is offered as illustrative of the provisions of such laws generally:

MINNESOTA—ACTS OF 1917

CHAPTER 223.—*Mothers' pensions*

SECTION 1 (am. 1919, ch. 328). *Conditions; allowances.*—Whenever any child under the age of 16 years who is not lawfully entitled to apply for and receive an employment certificate is found by juvenile court to be dependent the court shall, when requested to do so, and in the same proceeding, make its findings upon the following points:

(*a*) Whether the mother of the child is a widow;

(*b*) If her husband is living, whether he is an inmate of a penal institution under a sentence which will not terminate within three months after the date of such finding; or is an inmate of a State insane asylum or hospital, or of a State hospital for inebriates; or is unable to labor for the support of his family by reason of physical disabilities; or is and for one year has been under indictment for the crime of abandoning such child;

(*c*) Whether the dependency of the child is due to the poverty of the mother without neglect, improvidence or other fault on her part;

(*d*) Whether the mother is otherwise a proper person to have the custody of the child;

(*e*) Whether the welfare of the child will be subserved by permitting him to remain in the custody of the mother, if adequate means of support shall be provided;

(*f*) Whether the mother is a citizen of the United States or whether she or her husband has made declaration of intention to become a citizen and has resided two years in the State and one year in the county.

Upon the making and filing of findings that the mother is a widow or that support is not obtainable from her husband by reason of one of the alternatives specified in subdivision (*b*), together with findings in the affirmative upon the points specified in subdivisons (*c*), (*d*), (*e*), (*f*), the courts shall further find, and order the payment of the sum of money which it deems necessary for the county to allow the mother in order to enable her to bring up the child properly in her own home, not exceeding $15 per month for one child and not exceeding $10 per month for each additional child: *Provided, however*, That no allowance shall be made when the husband is under indictment for abandonment unless the court is satisfied that he is a fugitive from justice and that the mother has in good faith assisted and will continue to assist in all reasonable efforts to apprehend him.

The county attorney in small counties and salaried investigators appointed by judges of the juvenile courts in larger counties are to make the necessary investigations and findings as to elegibility of applicants, or county welfare boards may be requested to act. Orders filed with county auditors are their warrant, so long as in force and unmodified, for payments monthly of the amounts specified therein. No payments may be made in behalf of any child lawfully entitled to an employment certificate, or who has ceased to be under the immediate care of the mother.

The court may require the mother to do remunerative work outside her home if it can be done without detriment to health or neglect of family; it may also limit the number of days per week when she may be so employed.

SEC. 5. *Investigations.*—Before making any order or allowance under this act it shall be the duty of the court, either through the judge in person or through the county child welfare board and its agents or a probation officer designated for that purpose or an official investigator appointed as provided in section six of this act, to make inquiry as to all the points necessary to establish the right to such allowance; and particularly to inquire whether the surroundings of the household, including its other members, are such as to make for the good character of children growing up therein; to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support and if need be to urge upon such members their proper contribution [;] to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of other relatives to assist the family and to interview individuals, societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the court at least once in three months; and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance; and the court shall at least once in each year reconsider every case in which an allowance has been made, and take such action as the facts then existing shall warrant. All findings and orders provided for herein may be made upon the written reports of official investigators with like effect as if based upon competent testimony given in open court.

Any taxpayer may complain that recipients are receiving allowances unlawfully, whereupon evidence shall be heard and appropriate action taken. Fraudulently procuring or attempting to procure an allowance is a misdemeanor, unless the act is such as to constitute a felony.

If the court is of opinion that a child's interests would be best served by arranging for a home with a grandmother, the act is to be

construed so as to permit such arrangement. The terms "father" and "mother" include stepfathers and stepmothers.

SEC. 8. *What property a bar.*—The ownership by a mother of personal property of the value of $100, exclusive of appropriate clothing and household furniture and of such tools, implements and domestic animals as in the opinion of the court it is expedient to retain for the purpose of reducing the expense or increasing the income of the family or of real estate not used as a home; or of real estate, when used as a home; [,] of a value disproportionate to the actual needs of the family, shall be a bar to any allowance under this act.

SEC. 12. *State board of control.*—It shall be the duty of the State board of control to promote efficiency and uniformity in the administration of this act. To that end it shall advise and cooperate with courts and shall supervise and direct county child welfare boards with respect to methods of investigation, oversight and record keeping; shall devise, recommend and distribute blank forms; shall by its agents visit and inspect families to which allowances have been made; shall have access to all records and other data kept by courts and other agencies concerning such allowances; and may require such reports from clerks of the courts, child welfare boards, probation officers and other official investigators as it shall deem necessary.

SEC. 15. *Liberal construction.*—This act shall be liberally construed with a view to accomplishing its purpose, which is hereby declared to be to enable the State and its several counties to cooperate with responsible mothers in rearing future citizens, when such cooperation is necessary on account of relatively permanent conditions, in order to keep the mother and children together in the same household, reasonably safeguard the health of the mother and secure to the children during their tender years her personal care and training.

Following is a list of the laws, etc., on this subject:

Alaska.—Acts of 1913, ch. 32 (am. 1917, ch. 16).
Arizona.—Acts of 1921, ch. 53.
Arkansas.—Digest, secs. 8223–8233.
California.—Acts of 1913, ch. 323 (am. 1917, ch. 472; 1919, ch. 292).
Colorado.—C. L., secs. 608–611.
Connecticut.—Acts of 1919, ch. 323 (am. 1921, ch. 247; 1923, ch. 173).
Delaware.—Acts of 1921, ch. 183 (am. 1923, ch. 200).
Florida.—Acts of 1919, ch. 7920.
Hawaii.—Acts of 1919, No. 129 (am. 1921, No. 37).
Idaho.—C. S., secs. 3733–3740 (am. 1923, ch. 145).
Illinois.—R. S., ch. 23, secs. 298–315 (am 1921, p. 162).
Indiana.—Acts of 1923, ch. 61, sec. 4.
Iowa.—Code Supp., secs. 254–a20, 254–a20a (am. 1917, ch. 150; 1919, ch. 107; 1921, chs. 51, 252; 1923, ch. 57).
Kansas.—G. S., sec. 6824 (am. 1917, ch. 138; 1921, ch. 153).
Louisiana.—Acts of 1920, No. 209.
Maine.—Acts of 1917, ch. 222 (am. 1919, ch. 17).
Maryland.—Acts of 1916, ch. 670.
Massachusetts.—G. L., ch. 118 (am. 1922, ch. 376).
Michigan.—C. L., sec. 2017.
Minnesota.—Acts of 1917, ch. 223 (am. 1919, chs. 328, 333; 1921, ch. 435; 1923, ch. 189).
Missouri.—R. S., secs. 12581–12590.
Montana.—Code, secs. 10480–10487 (am. 1921, ch. 257).
Nebraska.—C. S., secs. 3474–3481.
Nevada.—Acts of 1921, ch. 107.
New Hampshire.—Acts of 1921, ch. 85, Part I, secs. 37–43.
New Jersey.—Acts of 1913, ch. 281 (am. 1915, chs. 118, 238; 1921, ch. 48).
New York.—Acts of 1915, ch. 228 (am. 1916, ch. 504; 1919, ch. 373; 1922, ch. 546).
North Carolina.—Acts of 1923, ch. 260.
North Dakota.—Acts of 1923, ch. 156.
Ohio.—Acts of 1913, p. 864 (am. 1915, p. 436; 1919, p. 624; 1921, p. 70).
Oklahoma.—Acts of 1915, ch. 183 (am. 1921, ch. 19).
Oregon.—Laws, secs. 3322–3342 (am. 921, ch. 202).
Pennsylvania.—Statutes, secs. 16717–16734 (am. 1921, Nos. 433, 438; 1923, Nos. 200, 251).

Rhode Island.—Acts of 1923, ch. 2340.
South Dakota.—R. C., secs. 10023–10030 (am. 1919, ch. 263; 1921, ch. 291).
Tennessee.—Acts of 1921, No. 104 (am. 1923, No. 67).
Texas.—Acts of 1917, ch. 120.
Utah.—C. L., secs. 3960–3968 (am. 1919, ch. 77; Extra Session 1919, ch. 12).
Vermont.—G. L., sec. 7312.
Virginia—Acts of 1922, ch. 488.
Washington.—Acts of 1915, ch. 135 (am. 1919, ch. 103).
West Virginia.—Code Supp., secs. 722m–722x (am. 1923, ch. 28).
Wisconsin.—Statutes, sec. 48.33.
Wyoming.—Acts of 1915, ch. 32 (am. 1917, ch. 38).

EXAMINATION, LICENSING, ETC., OF WORKMEN

A number of States have laws requiring workmen to be licensed or registered before engaging in certain occupations, usually requiring them also to pass an examination or to give proof of competency. Such laws are obviously an interference with the absolute freedom of contract, restricting the employer as to the choice of workers whom he may employ, and establishing legislative qualifications which must be met by persons wishing to engage in the occupations affected. The subjects legislated on in the various States vary considerably, the underlying reasons for the legislation being also widely different. In some instances the public safety is involved, as where stationary engineers are required to prove competency before being entrusted with the control of dangerous and widely used instrumentalities; or the aspect and nature of the vocation may differ as widely from the above as does the occupation of horseshoeing or barbering; though this latter type of law is likewise construed as affecting the public safety in view of its purpose to protect the public health.

In a number of cases the validity of legislation thus interfering with the freedom of contract has been contested, and in some instances the courts have ruled against it as unwarranted and unjustifiable; or technical requirements have been found violated so that the legislation did not stand. In other cases the constitutionality has been asserted on the ground that there was a proper exercise of the police power of the State in behalf of the public welfare. Only those laws are cited under the various headings below that have been declared valid, or against which no adverse decision has been recorded. Reference will be made under the appropriate headings to findings of unconstitutionality and the grounds therefor.

HORSESHOERS

In a few States laws have been enacted requiring the examination and licensing of horseshoers. Such laws have been condemned in some instances as unwarranted interferences with the liberty of the citizen to choose and follow a calling not requiring regulation on grounds of public health and comfort; nor are they justifiable as revenue laws; and no necessity for regulation appearing, they were declared void. Such was the finding of the courts of Illinois (Bessette *v.* People (1901), 193 Ill. 334, 62 N. E. 215), New York (People *v.* Beattie (1904), 89 N. Y. Supp. 193, 96 App. Div. 383), and Washington (In re Aubrey (1904), 36 Wash. 308, 78 Pac. 900).

The legislature of Illinois in 1915, however, enacted a new law on the subject, which seems not to have been challenged. No later

enactment has been made in any State, though the law of Hawaii was amended in 1919.

The States having such laws are:

Colorado.—C. L., secs. 4802–4809.
Hawaii.—R. L., secs. 2038, 2039 (am. 1919, No. 75).
Illinois.—R. S., ch. 66, secs. 13–26.
Maryland.—Acts of 1898, ch. 491.
Michigan.—Com. L., secs. 6850–6856.
Minnesota.—G. S., secs. 5068–5070.

The statute of Minnesota is representative, though some laws require a knowledge of the anatomy of the horse's foot and leg. It is as follows:

MINNESOTA—GENERAL STATUTES

Examination and licensing of horseshoers

SECTION 2354. *State board.*—The horseshoers' board of examiners shall consist of five members, residents of the State, appointed by the governor, each for the term of five years and until his successor qualifies. Two shall be master horseshoers, two journeyman horseshoers, and one a veterinarian. Each vacancy shall be filled for the unexpired term from the class to which the retiring member belonged. The board shall elect from its members a secretary, who shall record its proceedings, and it shall carry out the provisions of this subdivision. At least once a year, in every city of the first class, the board shall examine applicants for certificates of qualification to practice horseshoeing, and issue such certificates to those found qualified. A fee of two dollars shall be paid to the secretary by every person taking such examination, and such fees shall be used to defray the expenses of the board and pay its members. The secretary shall give public notice of every examination at least thirty days prior thereto. No person shall be entitled to take such examination or receive such certificate unless he shall have had three years' experience as a horseshoer, or have served three years as a learner or apprentice under a master.

SEC. 2355. *Certificates.*—All certificates shall be filed with the city clerk, and registered by him in a book kept for that purpose, upon receipt of a fee of twenty-five cents. Any person so registered shall be entitled to registration in any other city to which he may have removed, upon filing with the clerk thereof a certified copy of such certificate, the fee for which copy shall be fifty cents, and for filing the same twenty-five cents. Persons who were duly registered prior to the taking effect of the Revised Laws shall be exempt from examination.

SEC. 2356. *Registration required.*—No person shall practice horseshoeing in any such city, otherwise than as a learner or apprentice under a master horseshoer, unless he is registered in accordance with this subdivision. Any person who shall present to a city clerk any certificate which has been fraudulently obtained, or who shall violate, or neglect to comply with, any provision of this subdivision, shall be guilty of a misdemeanor.

Scope.—The law of Maryland specifically relates to Baltimore only, while that of Colorado is restricted by a population limitation to Denver. In Michigan the law applies only in cities of 10,000 or more inhabitants, and in Minnesota only in cities of the first class.

Boards; issue.—The examining board is appointed by the governor and in Colorado, Maryland, Michigan, and Minnesota consists of 5 persons. One member is to be a veterinary surgeon and the others horseshoers of prescribed experience. In Illinois the department of registration and education conducts examinations and issues licenses; while in Hawaii the examining is done by a veterinary surgeon.

The examination is to be a practical one, and boards may fix necessary regulations, etc. Examinations are to be held five times a year

in Illinois, twice a year in Maryland and Michigan, at least once a year in Minnesota, and as often as necessary in Colorado.

Fees.—The fee for examination and license is $5 in Hawaii and Illinois, $3 in Michigan, and $2 in Colorado, Maryland, and Minnesota. A registration fee of 25 cents in the city or county is required in Colorado, Maryland, and Minnesota. The license fee of $5 must be paid annually in Hawaii, while an annual renewal fee of $1 is required in Illinois and Michigan.

Age, etc.—No age limit is fixed for applicants except in Michigan, where it is 18 years. Apprentices must serve not more than 3 years in Colorado, and 3 years in Illinois, Maryland, and Minnesota.

STEAM ENGINEERS, FIREMEN, ETC.

The employees considered under this head are stationary engineers and firemen, and certain employees on steamboats. Such laws are valid as designed to secure the public safety (Hyvonen *v.* Hector Iron Co. (1908), 103 Minn. 331, 115 N. W. 167); but they must not be arbitrary or confer autocratic and unregulated power on the examiner (Harmon *v.* State (1902), 66 Ohio St. 249, 64 N. E. 117). Employees on railroads and engineers in mines are not included here, the laws relating to them being noted under the respective headings.

STATIONARY ENGINEERS

Stationary engineers are required to be licensed in the following jurisdictions:

District of Columbia.—Act of Feb. 28, 1887 (24 Stat. 427).
Florida.—R. G. S., secs. 1940–1945, 5851, 5852.
Georgia.—Acts of 1910, page 112 (am. 1912, p. 158).
Maryland.—Public Local Laws, art. 4, sec. 427 (am. 1910, p. 615).
Massachusetts.—G. L., ch. 146, secs. 46–51, 56–59, 64–67.
Minnesota.—G. S., secs. 4750 (am. 1919, ch. 113), 4751, 4752, 4753 (am. 1919, ch. 240).
Missouri.—R. S., secs. 10967, 10968.
Montana.—R. C., secs. 2719–2728.
Nevada.—Acts of 1921, ch. 213 (am. 1923, ch. 18).
New Jersey.—Acts of 1913, ch. 363 (am. 1918, ch. 213; 1919, ch. 151).
Ohio.—G. C. of 1910, sections 1039–1057 (am. 1910, p. 361; 1911, p. 494; 1913, p. 95; 1919, p. 1237).
Pennsylvania.—Stats., secs. 2925–2940, 3507–3521.

Scope.—The laws of Georgia, Massachusetts, Montana, and New Jersey include firemen in their provisions; while a statute of Ohio (General Code, secs. 1058–1 to 1058–5, added 1910, p. 324, amended 1919, p. 1237) contains provisions for persons in charge of steam boilers, and a law of New York (acts of 1901, ch. 733) regulates the employment of firemen in New York City. The law of Montana requires engineers of traction engines to be licensed; while that of Nevada relates to hoisting engineers only.

The law of Florida authorizes cities of over 5,000 inhabitants to require licenses, that of Georgia applying only in counties having a population of 70,000 or above, that of Massachusetts excepting agricultural engines, heating boilers of not over 15 pounds pressure, and engines of less than 9 horsepower; while the law of Missouri applies only in cities of over 20,000 population, and that of Pennsylvania in cities of the second and third classes.

In some States licenses are classified according to the power, etc., of the engine or boiler to be operated. Thus there are 6 grades of engineers' licenses and 4 grades of firemen's licenses in Massachusetts, 4 grades of engineers' licenses in Maryland, Minnesota, and Montana, 3 in Nevada, and 2 in Pennsylvania.

Issue.—The examiners are State boards in Maryland, district inspectors in Minnesota, the State industrial commission through district examiners of steam engineers in Ohio, the chief and boiler inspectors of the department of public safety in Massachusetts, a bureau of the department of labor in New Jersey, county boards in Georgia and district boards in Nevada, a board designated by the commissioners in the District of Columbia, a State boiler inspector in Montana, city boiler inspectors in Florida and in Pennsylvania, and local incorporated associations in Missouri.

No time seems to be fixed for the holding of examinations except in Maryland, where weekly meetings of the board are prescribed in Baltimore. Other laws provide for examinations on application, or at times fixed by the boards.

Fees.—The fee for an examination is $5 in Nevada and Ohio; $3 in the District of Columbia, Maryland, and Pennsylvania; and $1 in Massachusetts and Missouri. In Minnesota the fee for chief engineer's examination is $7; first class, $5; second class, $3; and special, $2. In Montana $7.50 is the fee for a license of the first class, $5 for one of the second class, $3 for one of the third class, and $2 for a low-pressure engineer. The fee is fixed by the city in Florida, and by the board in Georgia and in New Jersey (not over $2).

Term.—The term is not limited in a number of States, but is fixed at one year in Maryland, Montana, Nevada, Ohio, and Pennsylvania, and two years in Minnesota.

The fee for renewal is $2.50 in Nevada, $2 in Ohio, $1.50 in Maryland, and $1 in Minnesota, Montana, and Pennsylvania.

Qualifications.—The qualifications of applicants are not specifically indicated in most cases, the subject of fitness being usually left to the test of examination, which is to be practical, including technical subjects in a number of States, especially for licenses of the higher grades. Experience of from one to three years is required in several laws, and in a few instances an age limit is fixed.

Moral character, with special reference to temperate habits, is mentioned in some laws; while that of Nevada requires a medical certificate as to the condition of heart, sight, and hearing.

Forfeiture of license on account of negligence, intoxication, violations of laws or regulations, etc., is quite generally provided for.

EMPLOYEES ON VESSELS

The employees on steam vessels, etc., required to be licensed before taking employment are engineers, captains, masters, and pilots on steam vessels, and operators of electric, naphtha or gasoline launches or boats serving as common carriers, the classes included varying in the different States.

The States, etc., having laws on this subject are:

Maine.—Acts of 1923, ch. 149.
Michigan.—C. L. 5390, 5401, 5413.
Minnesota.—G. S., sec. 4743.

New Hampshire.—Acts of 1913, ch. 185.
New Jersey.—C. S., pp. 3707, 3709; acts of 1919, ch. 233 (am. 1924, ch. 83).
New York.—Con. L., ch. 37, secs. 4, 17 (am. 1918, ch. 190), 33, 34.
Philippine Islands.—Laws of U. S. Philippine Commission, 1902, Act No. 780 (am. by Nos. 1025, 1317, 1522, 1602).
Washington.—C. and S., secs. 8226, 8233, 8238.
United States.—C. S., secs. 8138, 8200–8209.

Scope.—The law applies to masters, pilots, and engineers in Maine, Michigan, Minnesota, New Jersey, New York, and Washington; to captains, masters, pilots, and engineers of steam vessels, and to operators of electric, naphtha, gasoline, etc., boats used as common carriers in New Hampshire; to masters, mates, patrons, and engineers in the Philippine Islands; and masters, chief mates, second and third mates if in charge of a watch, engineers and pilots of all steam vessels, masters of sail vessels of over 700 gross tons and of all other vessels of over 100 gross tons carrying passengers for hire, in the United States. The laws of the States generally except in terms those persons who are holders of a Federal license.

Issue.—The examiners are boards of steamboat inspectors in New Jersey, New York, Philippine Islands, and the United States; the public utilities commission in Maine; the public service commission in New Hampshire; the State boiler inspectors in Minnesota; and the State commissioner of labor in Michigan.

The frequency of examinations is not prescribed except that in the Philippine Islands they are to be held monthly in Manila.

Fees.—In several cases the fees charged are not indicated, being presumably fixed by the boards in their power to make regulations. There are grades of licenses prescribed in some laws, while in others but a single class seems to be contemplated.

The fee for an examination is $10 for an engineer in the Philippine Islands, and $5 for mates, patrons, and assistant engineers; $5 in Michigan, New Jersey, New York, and Washington; $2 in Maine, New Hampshire ($1 for special license restricted to employment on a single vessel); and $1 in Minnesota. The Federal law forbids the collection of any fee for licenses thereunder.

Term.—The term of the license is one year in Maine, Michigan, New Jersey, New York, Philippine Islands, Washington, and the United States (for engineers and pilots); 2 years in Minnesota; and 5 years in the United States for masters and mates.

The renewal fee is designated as $1 in Minnesota, $2 in Maine, and $3 in New Jersey and New York, and is apparently $5 in Michigan.

Age, etc.—Where the age limit is fixed it is usually 21 years, though 18 and 19 years are set by the Philippine Commission as the ages at which certain classes of employees may secure licenses. Experience of from one to three years, varying with the class of license applied for, and fit habits and character are also qualifications prescribed.

Licenses may be revoked for intemperance, incompetence, or violation of the laws.

CHAUFFEURS

Provisions requiring the registration and licensing of chauffeurs are embodied in the laws of most jurisdictions regulating the opera-

tion and registration of motor vehicles. So far as appears, the entire subject is without legislative control in a few States; while in the District of Columbia it is the subject of regulation by the District Commissioners.

A distinction is very commonly made between chauffeurs operating for hire and operators who may be owners or members of the owner's family not receiving pay for such services, though the difference is not uniformly made. Where it exists, the age limit for chauffeurs is frequently higher than for operators, and the fee charged is greater.

Following are the States having laws on the subject of licensing:

Alabama.—Acts of 1923, No. 290.
Arizona.—R. S., sec. 5136.
Arkansas..—Digest, secs. 7430, 7431.
California.—Acts of 1923, ch. 266, sees. 58–76, 82.
Colorado.—C. L., sec. 1344.
Connecticut.—Acts of 1921, ch. 400 (am. 1923, ch. 257).
Delaware.—R. S., sec. 236 (am. 1923, ch. 5); Acts of 1921, ch. 193.
Florida.—R. S., secs. 1024–1029.
Georgia.—Acts of 1921, p. 255.
Hawaii.—Acts of 1921, No. 235.
Idaho.—C. S., secs. 1606–1608 (am. 1923, ch. 154).
Illinois.—Acts of 1919, p. 669 (am. 1923, p. 546).
Indiana.—A. S., sec. 10476e.
Iowa.—Acts of 1919, ch. 275, sec. 2, 11 (am. 1921, ch. 159).
Kentucky.—Acts of 1920, ch. 90.
Louisiana.—Acts of Extra Sess., 1921, ch. 120.
Maine.—Acts of 1921, ch. 211.
Maryland.—Code, art. 56, secs. 143–146 (am. 1918, ch. 85; 1920, ch. 506).
Massachusetts.—G. L., ch. 90, secs. 8, 10–12, 33 (am. 1923, ch. 464).
Michigan.—C. L., sec. 4820 (am. 1919, No. 383).
Minnesota.—G. S., sec. 2638 (am. 1915, ch. 33).
Missouri.—Acts of Extra Sess., 1921, p. 83.
Montana.—R. C., sec. 1761.
New Hampshire.—Acts of 1921, ch. 119, secs. 7, 8, 25.
New Jersey.—Acts of 1921, ch. 208.
New York.—Acts of 1921, ch. 580, sec. 289 (am. 1924, ch. 360).
Ohio.—G. C., secs. 6296, 6302 (am. Extra Sess., 1914, p. 248), 6303, 6305.
Oregon.—Acts of 1921, ch. 371, sec. 17.
Pennsylvania.—Statutes, sec. 974 (am. 1923, No. 296).
Philippine Islands.—Acts of 1912, No. 2159.
Porto Rico.—Acts of 1916, No. 75.
Rhode Island.—G. L., ch. 98, sec. 6.
Texas.—Acts of 1917, ch. 207, secs. 25–30.
Utah.—C. L., secs. 3980, 3981.
Vermont.—G. L., secs. 4686, 4687, 4691 (am. 1919, No. 119).
Virginia.—Code, sec. 2129 (am. Extra Sess., 1919, ch. 35), 2137.
Washington.—Acts of 1921, ch. 108.
West Virginia.—Acts of 1921, ch. 112, sees. 84, 85.

Who issue licenses.—Licenses are issued or registration made by the county judge of probate in Alabama and by the secretary of State in Arizona, Arkansas, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Maine, Michigan, Ohio, Oregon, Utah, Vermont, and Virginia. The State highway authorities receive and pass upon applications in Louisiana, Pennsylvania, Rhode Island, Texas, and West Virginia; the commissioner, registrar, or division of motor vehicles in California, Connecticut, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, and New York; the director of licenses in Washington; the commissioner of interior in Porto Rico; the tax commission in Kentucky; the comptroller in Florida; an

examining board, appointed by the sheriff, subject to a board of supervisors, in Hawaii; the department of law enforcement, through the county assessor, in Idaho; the board of examiners, appointed by the governor, in Minnesota; and the director of public works in the Philippine Islands.

Qualifications.—The provisions as to qualifications are generally indefinite, although the tendency is toward stricter rules and regulations. Some provide that the applicant must demonstrate his ability, others that he give evidence of qualifications or pass such examination as may be required; while some require only a statement by the applicant as to his ability, either with or without supporting affidavits of other parties. Applicants must be 18 years of age in Alabama, Arkansas, Connecticut, Florida, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, Oregon, Porto Rico, Texas, Utah, Vermont, Philippine Islands; 17 years of age in New Jersey; 16 years of age in California (18 on public vehicles), Delaware (21 for public service permit), Georgia, Kentucky, Maryland, Massachusetts, Ohio, Pennsylvania, Rhode Island; and 15 years of age in Hawaii and Washington (21 years if transporting passengers for hire). Hawaii provides that the applicant must be free from such physical defects as epilepsy, heart disease, excessive fainting tendency, feebleness, insanity, or other similar defects. Michigan will refuse license if applicant is addicted to the use of intoxicating liquors or drugs.

Badges.—Badges must be worn by employed chauffeurs in a majority of the States, though Maryland provides specifically that no license badge shall be worn. Photographs are also required in a few States.

Fees.—The fee for a license is $5 in Alabama, Arizona, Hawaii, Illinois, Louisiana, Maine, New Hampshire, New York, Porto Rico, and Virginia; $3 in Connecticut, Delaware ($4 for public service vehicles), Maryland, Missouri, New Jersey, Ohio, Texas, Vermont, and West Virginia; $2 in California, Colorado, Florida, Idaho, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Montana, Oregon, Pennsylvania ($1 if no examination required), Rhode Island, and Utah; and $1.50 in Minnesota; $1 in Arkansas (called registration and record fee) and Washington; and 2 pesos ($1) in the Philippine Islands. The term of license is usually one year, though in Idaho, Hawaii, Porto Rico, Virginia, and Washington no limitation is indicated. The law of Georgia provides for no fee for examination or license.

Renewals.—Renewals require the payment of a fee of $5 in Alabama, Louisiana, and Virginia; $3 in Connecticut, Illinois, Maine, Maryland, Missouri, New Jersey, Ohio, Texas, Vermont, and West Virginia; $2 in California, Colorado, Florida, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Montana, New Hampshire, New York, Oregon, Rhode Island, and Utah; $1 in Arkansas, Minnesota, Pennsylvania, and Washington (two-year term); and 2 pesos ($1) in the Philippine Islands.

Suspension, etc.—Licenses may be suspended or revoked for cause, and specifically for incompetence, intoxication, or violation of the motor-vehicle law. Operating a car while a license is suspended or revoked is usually declared a misdemeanor.

Reciprocity.—Reciprocity between the States is general, sometimes for fixed periods, ranging from two weeks to three months, sometimes for such period as the State of residence recognizes local credentials, and sometimes without fixed limit. Maryland and Massachusetts provide for exemptions of nonresident chauffeurs, but in case of violation of any motor-vehicle law they must immediately register according to the provisions of the law.

PLUMBERS

The number of jurisdictions requiring plumbers to be registered, usually after examination, is larger than that for any of the occupations already considered except chauffeurs. In several States the power of regulation is vested by law in the various municipal authorities. The list of specific laws is as follows:

Arkansas.—Digest, secs. 7624–7631.
Colorado.—C. L., secs. 4829–4851.
Delaware.—Acts of 1913, ch. 209.
District of Columbia.—Act of June 18, 1898 (30 Stat. 477).
Illinois.—R. S., ch. 109a, secs. 1–9.
Kansas.—G. S., secs. 985–991.
Kentucky.—Statutes, sec. 3037f (am. 1924, ch. 90).
Louisiana.—Acts of 1924, No. 248.
Maine.—R. S., ch. 19, secs. 116–119.
Maryland.—A. C., art. 43, secs. 223–229
Massachusetts.—G. L., ch. 17, sec. 10 (am. 1922, ch. 481); ch. 142, secs. 1–16.
Michigan.—C. L., secs. 6857–6871.
Missouri.—R. S., secs. 8825–8832; Acts of 1921, p. 558.
Montana.—R. C., secs. 5183–5193.
Nebraska.—C. S., secs. 4497–4507.
New Hampshire.—Acts of 1899, ch. 55 (am. 1913, ch. 32).
New York.—Con. L., ch. 21, secs. 40–57 (am. 1916, ch. 305); Acts of 1896, ch. 803.
Oklahoma.—Acts of 1915, ch. 163.
Oregon.—Laws, secs. 3854–3861.
Pennsylvania.—Statutes, secs. 2845–2852, 3522–3528.
Porto Rico.—Acts of 1913, No. 62; Acts of 1919, No. 14.
South Carolina.—Acts of 1914, ch. 386 (am. Extra Session, 1914, ch. 8).
Tennessee.—Code, secs. 2361a–1 to 2361a–26.
Texas.—R. C. S., secs. 986–998 (am. 1919, ch. 134).
Wisconsin.—Statutes, secs. 145.03–145.09.

The law of the State of Kansas is reproduced as fairly representative of laws of this class.

KANSAS—GENERAL STATUTES

Examination and licensing of plumbers

SECTION 985. *License required.*—Any person now or hereafter engaging or working at the business of plumbing in cities of seven thousand population or more in this State, either as master plumber or employing plumber or as a journeyman plumber, shall first receive a certificate thereof in accordance with the provisions of this act.

SEC. 986. *Examination.*—Any person desiring to engage in or work at the business of plumbing, either as a master plumber or employing plumber or as a journeyman plumber, in cities having a population of seven thousand or more and a system of water supply or sewerage, shall make application to a board of examiners hereinafter provided for, and shall at such times and place as said board may designate be compelled to pass such examination as to his qualifications as said board may direct. Said examination may be made in whole or in part in writing and shall be of a practical and elementary character, but sufficiently strict to test the qualifications of the applicant.

SEC. 987. *Boards of examiners.*—There shall be in every city of seven thousand inhabitants or more a board of examiners of plumbers consisting of three members, one of which shall be chairman of the board of health, who shall be ex officio chairman of said board of examiners; a second member, who shall be a master plumber; and a third member, who shall be a journeyman plumber. Said second and third members shall be appointed by the mayor and approved by the council of said city within three months after the passage of this act, for the term of one year from the 1st day of May in the year of appointment, thereafter annually before the 1st day of May, and shall be paid from the treasury of said city the same as other officers, in such sum as the authorities may designate.

SEC. 988. *Duties of boards.*—Said board of examiners shall, as soon as may be after their appointment, meet, and shall then designate the times and places for examination of all applicants desiring to engage in or work at the business of plumbing within their respective jurisdiction. Said board shall examine said applicants as to the practical knowledge of plumbing, house drainage, and plumbing ventilation, and, if satisfied of the competency of such applicants, shall thereupon issue a certificate to such applicant, authorizing him to engage in or work at the business of plumbing, either as master plumber or employing plumber or as a journeyman plumber. The fee for a certificate for a master plumber or employing plumber shall be five dollars; for a journeyman plumber it shall be two dollars. Said certificate shall be valid and have force throughout the State; and all fees received for said certificates shall be paid into the treasury of the city where such certificates are issued.

SEC. 989. [Requires certain cities to pass ordinances as to plumbing construction and inspection.]

SEC. 990. *Place of examination.*—All persons who are required by this act to take examinations and procure a certificate as required by this act shall apply to the board in the city where they reside, or to the board nearest their places of residence.

Scope.—These laws vary greatly in their scope, the laws of Colorado, District of Columbia, Maryland, and Porto Rico applying generally within the respective jurisdictions; that of New York to all cities, with a special law for the city of New York, while village boards of trustees may establish license regulations within their respective jurisdictions; that of Massachusetts and New Hampshire to all cities and to all towns accepting its provisions; that of Maine to all cities and towns having municipal waterworks; that of Arkansas to cities of the first and second class; that of Kentucky to cities of the first class; that of Pennsylvania to cities of the first, second, and third class; that of Delaware to the city of Wilmington only; while in a number of the States the law applies where the population of the city or town reaches a certain minimum. This minimum is 10,000 in Illinois; 7,000 in Kansas; 10,000 in Louisiana; 15,000 in Michigan; 15,000 for towns and cities (with a separate act for St. Louis County) in Missouri; 3,000 in Montana; 40,000 in Nebraska; 2,000 in Oklahoma; 4,000 in Oregon; 15,000 in South Carolina; 25,000 in Tennessee; 5,000 in Texas; and 3,000 in Wisconsin. The laws of Delaware and Nebraska relate only to journeymen, and that of New York to masters. Apprentices must be registered in Delaware and Montana.

Boards.—The boards are generally local, being appointed by the mayor in most instances, with the consent of the council, and usually consist of representatives of master plumbers and of journeymen plumbers and an inspector of plumbing or other official of the city or town. Boards acting throughout the entire jurisdiction exist

in Colorado, the District of Columbia, Louisiana, Maryland, Massachusetts, and Porto Rico.

Examinations.—Examinations are to be held in most States at the discretion of the board, but must be held once a month in Delaware and Tennessee; at least quarterly under the law of Michigan; at least once a year in the city of Baltimore, Md.; whenever there are three requests on file in Porto Rico; "frequent examinations" in the city of Boston, and twice each year in five other cities of Massachusetts.

Fees.—The fees charged are usually different for masters and for journeymen. The fee for masters is $50 in Illinois; $25 in Tennessee and Wisconsin; $10 in Colorado and Montana; $5 in Kansas, Missouri, New York, Oklahoma, Pennsylvania, and South Carolina; $3 in the District of Columbia, Maryland, and Texas; and $2 in Massachusetts. Fees for journeymen are $2 in Colorado, Kansas, Maryland, Montana, South Carolina, Tennessee, Texas, and Wisconsin; $1 in Delaware, Illinois, Missouri ($1.50 in St. Louis County), Nebraska, Oklahoma, and Oregon; 50 cents in Massachusetts and Pennsylvania.

States making no difference in the fees for masters and for journeymen are Arkansas and Kentucky, where the amount is $5, renewable every 5 years; Michigan $2; New Hampshire and Oregon $1. In Louisiana the matter of fees is left to the board of examiners.

Term.—The term of the license is not indicated in a number of States and would not seem to be limited in them. It is fixed at five years in Arkansas and Kentucky, and at one year in Colorado, Delaware, Illinois, Louisiana, Massachusetts, Missouri, Montana, Nebraska, New Hampshire, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Wisconsin.

Renewal.—Masters' licenses may be renewed on payment of $15 in Wisconsin; $10 in Illinois and Tennessee; $5 in Colorado, Missouri (cities), New York, and Oklahoma; $2.50 in Montana; $1 in Missouri (St. Louis County) and Pennsylvania. For journeymen the fee is $1 in Colorado, Illinois, Missouri, Montana, Oklahoma, Tennessee, and Wisconsin; 50 cents in Delaware and Nebraska, and 25 cents in Pennsylvania. The fee is the same for both classes in the following States: Arkansas and Kentucky, $5, every five years; $1 in Maryland and Oregon; 50 cents in Massachusetts, New Hampshire, and South Carolina. No fee is indicated for renewals in Michigan and Texas.

Qualifications.—The requirements as to examinations are not explicit in the laws. The examinations are to be "practical," or "theoretical and practical," or "satisfactory." Good character is mentioned as a qualification in a few instances; and a minimum age limit of 21 years is fixed in the District of Columbia, and of 18 years for journeymen and 21 years for masters in Porto Rico. A number of laws state that licenses may be revoked for cause.

New York and Pennsylvania require master or employing plumbers to have a plate or sign on their place of business, showing that they are "licensed plumbers," while in Oregon proprietors of plumbing shops must register such shop or place of business.

BARBERS

The laws of 16 States provide for an examination and registration of persons following the occupation of barber. Such laws are constitutional as relating to public health. People *v.* Logan (Ill. 1918), 193 N. E. 913. In some of these States the laws include the regulation of schools for the instruction of barbers as well as prescribing the qualifications of practicing barbers. Sanitary conditions of the shop, tools, etc., are also usually prescribed or placed under the power of the board of barber examiners. Following is a list of the States having such laws:

Colorado.—C. L., secs. 4739–4755.
Connecticut.—G. S., secs. 2971–2981.
Delaware.—R. C., secs. 920–931.
Georgia.—Acts of 1914, p. 75 (am. 1920, p. 109).
Illinois.—R. S., ch. 16b (am. 1923, p. 165).
Kansas.—G. S., secs. 10326–10336.
Maryland.—A. C., art. XLIII, secs. 209–222.
Michigan.—C. L., secs. 6828–6848 (am. 1917, No. 178; 1921, No. 127).
Minnesota.—Acts of 1921, ch. 424 (am. 1923, ch. 243).
Missouri.—Acts of 1921, p. 156.
North Dakota.—R. C., secs. 349–363; Acts of 1909, ch. 46.
Oregon.—Laws, secs. 8267–8278.
Rhode Island.—G. L., ch. 156, secs. 1–16.
Utah.—C. L., secs. 360–378 (am. 1919, ch. 3; 1921, ch. 5).
Washington.—Acts of 1923, ch. 75.
Wisconsin.—Statutes, secs. 158.01–158.11.

The law of Illinois (R. S., ch. 16b) is representative of this class of legislation. Examinations are conducted and certificates of registration issued by the State department of registration and education, superseding the State board of examiners named in the original act. The essential sections follow:

ILLINOIS—REVISED STATUTES

CHAPTER 16b.—*Examination, etc., of barbers*

SECTION 7. *Applications for examination.*—Any person desiring to obtain a certificate of registration under this act shall make application to such board therefor, pay to the treasurer of said board an examination fee of three (3) dollars, present himself at the next regular meeting of the board for the examination of applicants, and if he shows that he has studied and practiced the trade for three (3) years as an apprentice under one or more practicing barbers, or for at least three (3) years in a properly appointed and conducted barber school under the instructions of a competent barber, or practiced the trade for at least three (3) years in this State or other States, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in the preparation of the tools, shaving, hair cutting, and all the duties and services incident thereto, and has sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said trade in this State. All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next meeting of the board, and the board shall issue a permit authorizing him to practice said trade until the next meeting of the board.

SEC. 8. *Apprentices and students.*—Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act, or from serving as a student in any barber school for the training of students in such trade under the training of a

qualified barber: *Provided*, That such apprentice or student shall apply to said board to have his name registered with said board in a book which shall be kept by the board for the registering of apprentices and students and secure a permit to practice as an apprentice or student under the instructions of a qualified barber. After having practiced the trade for three (3) years under a qualified barber such apprentice or student shall be eligible to become a registered barber and present himself at the next meeting of the board held nearest to him for the examination of applicants, and pay the fee of three (3) dollars for examination as provided in section 7.

SEC. 9. *Cards.*—Said board shall furnish to each person to whom a certificate of registration is issued a card or an insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of section 11 of this act.

SEC. 10. *Register.*—Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

SEC. 11. *Rules for sanitation.*—Said board shall be authorized to adopt reasonable rules providing for the sanitary regulation of barber shops, subject to the approval of the State board of health, and shall have the power to enter any barber shop during business hours for the purpose of inspection of such shops. If any shop be found in an unsanitary condition, or if any barber working therein has been charged with imparting any contagious or infectious disease, the board shall immediately notify the health officer thereof, and such shop shall be quarantined and the barber so charged shall not practice his occupation until such quarantine shall be removed by the health officers. Said board shall have the power to revoke any certificate of registration granted by it under this act, for conviction of crime, habitual drunkenness for six months immediately before a charge duly made, gross incompetency, failure to comply with the sanitary rules approved by the State board of health, or for having imparted any contagious or infectious disease: *Provided*, That before any certificate shall be so revoked, the holder thereof shall have notice in writing of the charge or charges against him, and at a day specified in said notice at least five (5) days after the service [of] notice thereof, be given a public hearing and be given an opportunity to present testimony in his behalf, and to confront the witnesses against him. Any person whose certificate has been revoked may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that his disqualification has ceased to exist.

SEC. 12 (am. 1923, p. 165). [Defines barbering].

SEC. 13 (am. 1923, p. 165). [Prescribes penalties for acting without license or for fraud or violations.]

The laws are usually of uniform application throughout the State. The law of Delaware, however, applies only to the city of Wilmington, that of Georgia and of Missouri to cities and towns having a population of 5,000 or more, while the law of Rhode Island applies only to cities and to such towns as adopt its provisions by action of the town council.

The principal features of the laws of the various States are noted under the following heads.

Examiners.—State boards of examiners are provided for in practically every State, appointment to be made by the governor. In Maryland, local boards, and in Michigan, deputies, may be appointed by the State board. In Kansas the State board of health

passes on the qualifications of the members, while in Wisconsin appointments are made by a similar body.

Examinations.—The most usual provision is for at least four examinations per year in as many localities in the State, times and places and additional examinations being within the discretion of the board. Only one examination per year is required by the law of Delaware, while in Maryland examinations are to be held at such times and places as the State board determines.

Fees.—The fee for examination is $5 in most instances, but is $3 in Illinois, while in Wisconsin it is $5 for a journeyman's license and $2 for a master's license, the examination to be taken only by the holder of a journeyman's license.

Barbers practicing at the time the laws come into effect are usually allowed to register without examination on the payment of a fee, sometimes equal to the fee for renewal and sometimes larger but less than for examination.

Certified barbers from other States may be registered on the payment of a fee of $1 in Connecticut, $3 in Michigan, and $5 in Minnesota and Washington.

In most States the license must be renewed annually, the most frequent charge being $1. In Wisconsin the fee for renewal of a master's license is $2, and it is apparently expected that journeymen will take a master's examination before the expiration of their first certificate. In Michigan a barber whose license has lapsed must pay $2 for a renewal. No provision for expiration or renewal appears in the Maryland law.

Apprentices.—The registration of apprentices is required in Colorado, Delaware, Georgia, Illinois, Kansas, Michigan, Minnesota, Missouri, North Dakota, Oregon, Rhode Island, Utah, Washington, and Wisconsin. The number is limited by law to one in each shop in Colorado and Oregon, one to each barber in Delaware, and one to each two barbers in Minnesota, Missouri, and North Dakota, though at least one may be employed in each shop. No fee for their registration seems to be contemplated in Colorado, Illinois, Minnesota, Rhode Island, Washington, and Wisconsin. A fee of 50 cents is required in Delaware and Georgia, $1 in Michigan and Oregon, $2 in Missouri and North Dakota, $2.50 in Utah with $1 renewal, and $5 in Washington, which apparently entitles to examination after six months and within one year.

Qualifications of applicants.—Common requirements are that applicants must be at least 19 years of age, free from infectious, contagious, or blood diseases (a few States require a physician's certificate), of good moral character, have studied in a recognized school or served an apprenticeship under a competent barber for three years, or practiced the occupation for the same length of time in another State, be skilled in the use, care, and disinfection of tools, and have a knowledge of skin diseases sufficient to avoid their aggravation or spread.

Utah admits applicants of the age of 18 years. The Illinois, Michigan, North Dakota, and Washington laws make no mention of age.

The term of apprenticeship may be as short as one year in Kansas, Utah, and Washington, and two years in Michigan, Minnesota,

Missouri, Rhode Island, and Wisconsin. Where instruction is given in a barber school the board may be authorized to judge of the school's competency and the sufficiency of the instruction given; or the law may require that the instruction be given in a "recognized" or "properly organized" barber school.

Forfeiture of license.—Licenses may be revoked under the laws of nearly every State for conviction of crime, habitual drunkenness, gross incompetency, failure to comply with sanitary or other regulations, or for having or imparting an infectious or contagious disease. Such licenses may be renewed, usually after a fixed period, on proof that the disqualifying cause has been removed.

Sanitary requirements.—Provisions classifiable under this head vary more widely than any of the above, varying from requirements of a detailed nature embodied in the law to a simple authorization of the board to devise and enforce suitable regulations. The law of Maryland makes no reference to the subject. Specific provisions are found prohibiting the employment or continuance in employment of any person afflicted with any communicable disease, requiring tools to be sterilized after using, and that towels be boiled and laundered before a second usage, that blood be stopped by the use of a liquid or powder only, and that shops be not used for sleeping purposes. Shaving persons with inflamed or erupted faces is forbidden in some States.

Besides the States listed above, the following have sanitary regulations for the conduct of barber shops, embodying provisions similar to those noted:

Alabama.—Code, secs. 1117–1132.
Nevada.—R. L. 1919, pp. 2641, 2642.
New Hampshire.—Acts of 1907, ch. 142.
Vermont.—G. L., secs. 6255–6257.

OPERATORS OF MOVING PICTURE MACHINES

License to operate cinematographs or similar apparatus is required in several States, issue to be preceded by such a test of the applicant's knowledge as will satisfy the authorities of his competency. States having such laws are:

Maine.—R. S., ch. 32, sec. 16.
Maryland.—Acts of 1910, ch. 693 (am. 1912, ch. 814; 1918, ch. 195).
Massachusetts.—G. L., ch. 143, secs. 75–81.
Michigan.—C. L., secs. 7175, 7176.
New Jersey.—Acts of 1912, ch. 331.
New York.—Acts of 1911, ch. 252 (am. 1916, ch. 184).
Rhode Island.—G. L., ch. 174, sec. 3.
South Dakota.—R. C., sec. 9141.

Scope.—These laws are usually brief and simple in form, but present considerable variety. In New York they relate to cities of the first class, in Maryland to Baltimore only, and in New Jersey to certain cities adopting specific governmental requirements, any action with regard to moving picture operators being optional.

Issue.—Licenses are granted by the municipal officers in Maine, by a board appointed by the governor in Maryland, by an inspector of public safety in Massachusetts, by local licensing officers designated by the mayor in New York, and by fire commissioners or fire wardens in Rhode Island. In Michigan the State fire marshal and in South

Dakota the commissioner of insurance is authorized to inquire into the competency of any operator and require him to cease employment until any discovered incompetency is removed; no provision is made in these States for the granting of a license.

Fees, etc.—The fee charged may not exceed $5 annually in Maine, is fixed at $10 in Maryland with a renewal fee of $5, is $3 in Massachusetts with $1 as renewal fee, and $1 in Rhode Island, the fee for renewals being the same. No mention is made of a fee in the New York law, the subject being probably left within the power of the licensing officer as to rules and regulations. The term of licenses is uniformly one year. Operators must be 18 years of age in Maine, Michigan, New Jersey, Rhode Island, and South Dakota, 21 in Maryland, Massachusetts, and New York. Six months' experience is required in Maryland and New York. Licenses may be revoked for cause.

AVIATORS

The operation of airplanes is so attendant with possibilities of hazard, public as well as private, that legislation regulating the privilege would seem fully warranted. Steps in this direction were first taken in Connecticut in 1911, the owners of aircraft being required to register and operators to procure a license after examination or proof of skill. Laws are now in effect as follows:

California.—Acts of 1921, ch. 783.
Connecticut.—Acts of 1921, ch. 207 (am. 1923, ch. 243).
Hawaii.—Acts of 1923, No. 109.
Maine.—Acts of 1921, ch. 161.
Massachusetts.—G. L., ch. 90, secs. 35–42. (am. 1922, ch. 534.)
Oregon.—Acts of 1921, ch. 45 (am. 1923, ch. 202).

Scope, issue.—While the increase in the number of airplanes is undoubtedly the occasion of the enactment of these laws, some of them also refer to balloons, free as well as dirigible. License is granted by the motor-vehicle department in California, Connecticut, and Massachusetts, by special boards or individuals appointed by the governor in Hawaii and Oregon, and by the secretary of State in Maine. In Massachusetts the examination is conducted by a board of experts headed by the registrar of the motor-vehicle department.

Fees.—The fee for examinations is not over $25 in California and Connecticut, and $5 in Massachusetts and Oregon. An added fee of $5 for license is charged in Massachusetts and $10 in Oregon. No mention is made of a fee in other jurisdictions. Persons shown to be qualified without examination, as by holding certificates from associations interested in aeronautics, may receive licenses in California and Connecticut on the payment of a fee of $2. Licenses are valid for one year in California, Connecticut, Hawaii, Massachusetts, and Oregon, no reference to term being made in Maine. The fee for renewal is $5 in Massachusetts and $10 in Oregon, no charge being noted in the other jurisdictions.

Age, etc.—The age of applicants is mentioned only in California, where it is 19 years, and in Oregon, where 18 years is the minimum. The examinations determine qualifications, both technical and practical; and licenses may be revoked for cause.

ELECTRICIANS

Persons engaging in the business of installing wires and equipment for the conveyance and use of electric current must secure licenses, after examination, in the following States:

Massachusetts.—G. L., ch. 141 (am. 1921, ch. 221).
Minnesota.—G. S. sec. 5082–5089.
Tennessee.—Code, secs. 2202a–2202a–18.
Washington.—Acts of 1919, ch. 204.

Who to issue.—Examinations and the granting of licenses are in the hands of the board of State examiners in Massachusetts and Minnesota, of local boards in cities of over 35,000 in Tennessee, and of the secretary of state in Washington, where the law is restricted in its application to cities of the first, second, and third class.

Fees.—In Massachusetts two grades of license are issued—masters' and journeymen's. The fee for the former for examination and original license is $25 and for the latter $5. The Minnesota law provides for three classes of license—masters, journeymen, and special, the last being available for persons employed to operate electric light or power apparatus and keep the same in repair. Only masters' licenses are issued in Tennessee, while in Washington a license is required for every person, firm, or corporation desiring to engage or continue in the business of installing wires to convey electric current or electric apparatus to be operated by such current. The fee in Minnesota is $5 for master's certificate, $3 for a journeyman, and $2 for a special license; in Tennessee the fee is $25 and in Washington, $15.

Term, etc.—Licenses have annual terms in Massachusetts, Tennessee, and Washington and biennial terms in Minnesota. The fees for renewal are $15 in Massachusetts for a master's license and $1 for a journeyman's; in Minnesota, apparently, and in Washington, by specific designation, the fee is the same as for an original issue; while in Tennessee the fee for renewal is $10. Reference to age is made only in Minnesota, where masters and journeymen must be at least 21 and have had three years' experience. Special licenses may be issued to persons under 21 years of age who have had two years' experience. In Tennessee three years' experience is required.

MISCELLANEOUS

Automobile mechanics.—An Oregon statute (Laws, secs. 6804–6813) creates a "board of automobile mechanics' examiners" charged with the duty of examining and licensing persons who work for hire and hold themselves out to work for hire upon any automobile or auto truck. Engaging in such work without a license is forbidden, except that licensed mechanics may each have one helper or apprentice who need not be licensed but must work only under the direction of such duly licensed automobile mechanic. The fee for examination and licensing is $5, annual renewals being made on the payment of a similar sum. Licenses may be revoked for incompetency or any other good and sufficient cause.

Beauty parlors.—The inspection of beauty parlors is provided for by a Wisconsin law (Stats., secs. 159.01–159.05). No person may be a manager, operator, or apprentice of any such parlor without a

license, a board of examiners for this purpose being appointed by the State board of health. Apprentices may be licensed upon application without charge. After 6 months' practice under the supervision of a licensed manager they may receive an operator's license on the proof of such practice and the payment of $2. An operator may be licensed as a manager after one year's service under a licensed manager on passing an examination, submitting proof of education equivalent to the eighth grade, and the payment of a license fee of $15. Annual renewals are made for $2 for operators' fees and $10 for managers' licenses.

A law of Louisiana (No. 135, acts of 1924) creates a board of cosmetic therapy, with power to adopt rules and regulations for the sterilization and sanitation of places and equipment used for and in the practice of cosmetic therapy or beauty culture. Examination and licensing are prescribed, applicants to be at least 18 years of age, of good moral character, have an education at least equivalent to first year high school, and have taken a course in an approved school of cosmetic therapy, or passed a satisfactory examination showing fitness to become a registered cosmetician. Apprentices must be registered. Trained nurses and barbers are exempt, as are physicians and commissioned surgical officers of the United States Army, Navy, or Marine Hospital Service. Prior practitioners or graduates are exempt from examination, but must pay the fee for registration, which is $5 for residents of the State, and $15 for nonresidents; renewals cost $1. The fee for an examination is $5, and for apprentice registration $1.

Elevator operators.—In the State of Minnesota (G. S., sec. 1432) persons desiring to operate passenger elevators in cities of the first class must be licensed by a building inspector. The fee for issuing a license is 25 cents after proof of experience and ability and an examination on the subject of the construction of elevators.

Hoisting-machine operators.—According to a law of Massachusetts (G. L., ch. 146, secs. 53, 55–59, 64, 65) all persons operating derricks, cableways, machinery for discharging cargoes, and temporary elevator cars used in excavation work or hoisting building material where mechanical power other than steam is employed must secure a license. Licenses are issued after a practical examination by a member of the boiler inspectors' department of the district police. A fee of $1 is charged. The license continues in force until suspended or revoked for cause.

Mason contractors.—In cities of Illinois having a population of 150,000 inhabitants or over, mason contractors or employing masons must obtain a license after a practical examination by a local board of examiners (R. S., ch. 48, secs. 177–183). Licenses thus issued are valid throughout the State for a period of one year. Fees for examination and for renewal are fixed by the common council of the cities to which the law applies.

PEDDLERS' LICENSE—EXEMPTION OF MECHANICS

The States which require peddlers generally to procure a license before engaging in their business, but which exempt persons selling

goods of their own manufacture from this requirement, are as follows:

Arkansas.—Digest, secs. 9793, 9794.
Delaware.—R. C., sec. 208.
Iowa.—Code Supp., 1913, sec. 1347a.
Louisiana.—Acts of 1898, No. 171 (am. 1904, No. 49).
Michigan.—C. L., sec. 6975.
New Hampshire.—Acts of 1897, ch. 76 (am. 1907, ch. 114).
North Carolina.—Con. S., sec. 7820.
Ohio.—G. C., sec. 6355.
Pennsylvania.—Statutes, sec. 16701.
Rhode Island.—G. L., ch. 219, sec. 12.

EMIGRANT AGENTS

The activities of agencies recruiting labor in one State for employment in another have been subject to restrictive legislation in Hawaii, Philippine Islands, and in several Southern States for a number of years. Most drastic and sweeping in its terms is the act passed by the Legislature of Alabama in 1923, which fixes the license fee at $5,000 per annum for each county in which such an emigrant agent does business. Every agent or employee of such agent must have a license, for which the same amount is paid; $5,000 must also be paid for each county through which the agent or a representative accompanies the recruited laborers in any conveyance to their destination. A bond and references are also required. The law of Virginia requires such agents to comply with the State law as to employment agencies. Labor organizations directing their members to places of employment are exempt. Fairly representative is the law of Mississippi, which was declared constitutional by the supreme court of the State (Garbutt *v.* State, 77 So. 189). The text of the law follows:

MISSISSIPPI—ACTS OF 1912

CHAPTER 94.—*Emigrant agent*

SECTION 1. *License fee.*—Each emigrant or employment agent, or person engaged in hiring laborers, or soliciting emigrants or laborers in this State to go beyond the limits of the State, must pay an annual license of five hundred dollars ($500) in every county in which he operates or solicits emigrants or laborers, which amount must be paid into the State treasury for the use of the State.

SEC. 2. *Acting without license.*—Any person doing the business of emigrant or employment agent without having first obtained a license, as required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000), or may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one month nor more than six months, within the discretion of the court.

The States having laws on this subject are:

Alabama—Code, secs. 696–699, 3980–3984.
Florida.—G. S., secs. 888, 5317.
Georgia.—Penal C., sec. 632 (am. 1920, p. 87); acts of extra session, 1917, p. 88.
Hawaii.—R. L., secs. 2016–2024.
Mississippi.—Acts of 1912, ch. 94.
North Carolina.—Con. S., secs. 7796, 7852.
Philippine Islands.—Acts of 1915, No. 2486.
South Carolina.—Cr. Code, sec. 896.

Tennessee.—Acts of 1923, ch. 75.
Virginia.—Code, Appendix, secs, 128, 129 (am. 1924, ch. 452).
West Virginia.—Code, sec. 1240 (am. 1923, ch. 36).

MECHANICS' LIENS

CHATTELS

The common law gave a mechanic or artisan making or repairing any article of personal property at the request of the owner or other properly authorized person a lien thereon for the value of his services. Where there is a contract price, recovery is limited to that amount. In many States statutes have been enacted providing specifically for the enforcement and discharge of such liens, separate laws being frequently enacted for specific classes of objects, as work on vehicles, on watches and jewelry, for horseshoeing, blacksmith work, automobiles, etc. In some jurisdictions, however, the common law lien is the sole recourse in cases of this nature; while in others a general law prescribes the processes to be observed in all cases of chattel liens.

Illustrative of the chattel lien law is that of Illinois, which is of general application. It is as follows:

ILLINOIS—ACTS OF 1921

Chattel liens

(P. 508)

SECTION 1. *Who may have liens.*—Every person, firm, or corporation who has expended labor, skill, or materials upon any chattel, or has furnished storage for said chattel, at the request of its owner, reputed owner, or authorized agent of the owner, or lawful possessor thereof, shall have a lien upon such chattel beginning on the date of the commencement of such expenditure of labor, skill, and materials or of such storage for the contract price for all such expenditure of labor, skill, or materials, or for all such storage, or in the absence of such contract price, for the reasonable worth of such expenditure of labor, skill, and materials, or of such storage, for a period of one year from and after the completion of such expenditure of labor, skill, or materials, or of such storage notwithstanding the fact that the possession of such chattel has been surrendered to the owner, or lawful possessor thereof.

SEC. 2. *Limitation; notice.*—Such lien shall cease at the expiration of 60 days from the date of delivery of such chattel to the owner thereof, or his duly authorized agent, unless the lien claimant shall within said 60 days, file in the office of the recorder of deeds of the county in which said labor, skill, and materials were expended on such chattel, or storage furnished for such chattel, a lien notice, which notice shall state the name of the claimant, the name of the owner or reputed owner, a description of the chattel sufficient for identification, upon which the claimant has expended labor, skill, and material, or has furnished storage, the amount for which the lien is claimed, and the date upon which such expenditure or storage was completed, which notice shall be verified by the oath of the claimant, or by some one in his behalf, having personal knowledge of the facts, and may be in substantially the following form:

_____Claimant v._____ Defendant.

Notice is hereby given that_____claims a lien upon_____(describe the property) for, and on account of labor, skill, and materials expended upon, and storage furnished for the_____(property); that the name of the owner or reputed owner, is———; that the said labor, skill, and materials were expended, or storage furnished upon the said property between the_____day of _____, and the_____day of_____, and the rendition of the labor, skill, and materials so expended, or storage furnished by the claimant above named was completed on the_____day of_____; that 60 days have not elapsed since that time; that the amount claimant demands for said labor, skill, and ma-

terials so expended, or storage furnished, is $_____; that no part thereof has been paid except $_____; and that there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of $_____, in which amount he claims a lien upon said property.

(Signed) _____
(Claimant)

Address of claimant _____

STATE OF ILLINOIS, } ss.
*County of*____ }

I, _____, being first duly sworn, on oath say that I am _____ named in the foregoing claim; that I have heard the same read, and know the contents thereof, and believe the same to be true.

_____

Subscribed and sworn to before me this_____day of_____

_____

SEC. 3. *Recording.*—Upon presentation of such notice to the recorder of deeds of any county, it shall be the duty of the said recorder of deeds to file the same in his office and to index the same in a book to be kept by him for that purpose and called "index of liens upon chattels." The recorder of deeds shall be entitled to charge and receive from the person filing such a notice of lien the same fee received by him for the recording of other written instruments.

SEC. 4. *Rank.*—The lien created by this act shall be subject to the lien of any bona fide chattel mortgage upon the same chattel recorded prior to the commencement of any lien herein created, but said lien herein created shall be in addition to, and shall not exclude, any lien now existing at common law.

SEC. 5. *Discharge.*—Any lien provided for in this act may be released and discharged by the lien claimant, or his agent, filing for record with the recorder of deeds a satisfaction piece, which shall be acknowledged in the same manner as provided by law for the acknowledgment of deeds, which shall also be indexed in the "index of liens upon chattels." The owner of said chattel may also file with the recorder of deeds any written document which would show or tend to show the nonexistence, satisfaction, or termination of such lien, which written document shall also be indexed in the "index of liens upon chattels."

SEC. 6. [Provides in detail a method of procedure for foreclosing liens. See sec. 8.]

SEC. 7. *Costs.*—In all cases where suit is brought in the circuit court of any county in the State of Illinois for the purpose of foreclosing the lien herein provided, the court shall, upon entering judgment for the complainant, allow as a part of the costs in said suit all moneys paid, if any, for the foreclosure by advertisement and sale of the chattel under section 6 of this act, together with the costs of filing and recording such lien and certified copies thereof.

SEC. 8. *Validity, enforcement.*—The invalidity of any section or sections of this act shall not affect the validity of the remainder of this act. If for any reason section 6 of this act shall be held to be invalid, the liens provided for in this act may be foreclosed by bill in equity in the circuit court of any county in the State of Illinois having jurisdiction of the persons or the subject matter.

LIENS ON REALTY

In the various States of the Union a lien is charged by statute on the real estate benefited by the erection or repair of buildings or by other improvements, to secure to laborers, contractors, subcontractors, and material men the payment of the wages or other sums due them for labor done or materials furnished under proper contract, oral, or written.

As fairly representative of such statutes, the law enacted by the Congress of the United States to control the subject of liens in the District of Columbia is here reproduced, certain sections relating to proceedings in court and to the liens of innkeepers and liverymen being omitted.

DISTRICT OF COLUMBIA—CODE

Liens on real estate

SECTION 1237. *Lien given for what.*—Every building erected, improved, added to, or repaired by the owner or his agent, and the lot of ground on which the same is erected, being all the ground used or intended to be used in connection therewith, or necessary to the use and enjoyment thereof, to the extent of the right, title, and interest, at that time existing, of such owner, whether owner in fee or of a less estate, or lessee for a term of years, or vendee in possession under a contract of sale, shall be subject to a lien in favor of the contractor with such owner or his duly authorized agent for the contract price agreed upon between them, or, in the absence of an express contract, for the reasonable value of the work and materials furnished for and about the erection, construction, improvement, or repair of or addition to such building, or the placing of any engine, machinery, or other thing therein or in connection therewith so as to become a fixture, though capable of being detached: *Provided*, That the person claiming the lien shall file the notice herein prescribed.

SEC. 1238. *Filing notice.*—Any such contractor wishing to avail himself of the provision aforesaid, whether his claim be due or not, shall file in the office of the clerk of the supreme court of the District during the construction or within three months after the completion of such building, improvement, repairs, or addition, or the placing therein or in connection therewith of any engine, machinery, or other thing so as to become a fixture, a notice of his intention to hold a lien on the property hereby declared liable to such lien for the amount due or to become due to him, specifically setting forth the amount claimed, the name of the party against whose interest a lien is claimed, and a description of the property to be charged, and the said clerk shall file said notice and record the same in a book to be kept for the purpose.

SEC. 1239. *Subcontractors, etc.*—Any person directly employed by the original contractor, whether as subcontractor, material man, or laborer, to furnish work or materials for the completion of the work contracted for as aforesaid, shall be entitled to a similar lien to that of the original contractor upon his filing a similar notice with the clerk of the supreme court of the District to that above mentioned, subject, however, to the conditions set forth in the following sections.

SEC. 1240. *Scope of lien.*—All such liens in favor of parties so employed by the contractor shall be subject to the terms and conditions of the original contract except such as shall relate to the waiver of liens and shall be limited to the amount to become due to the original contractor and be satisfied, in whole or in part, out of said amount only; and if said original contractor, by reason of any breach of the contract on his part, shall be entitled to recover less than the amount agreed upon in his contract, the liens of said parties so employed by him shall be enforceable only for said reduced amount, and if said original contractor shall be entitled to recover nothing said liens shall not be enforceable at all.

SEC. 1241. *Notice to owner.*—The said subcontractor or other person employed by the contractor as aforesaid, besides filing a notice with the clerk of the supreme court as aforesaid, shall serve the same upon the owner of the property upon which the lien is claimed, by leaving a copy thereof with said owner or his agent, if said owner or agent be a resident of the District, or if neither can be found, by posting the same on the premises; and on his failure to do so, or until he shall do so, the said owner may make payments to his contractor according to the terms of his contract and to the extent of such payments the lien of the principal contractor shall be discharged and the amount for which the property shall be chargeable in favor of the parties so employed by him reduced.

SEC. 1242. *Owner bound.*—After notice shall be filed by said party employed under the original contractor and a copy thereof served upon the owner or his agent as aforesaid, the owner shall be bound to retain out of any subsequent payments becoming due to the contractor a sufficient amount to satisfy any indebtedness due from said contractor to the said subcontractor, or other persons so employed by him, secured by lien as aforesaid, otherwise the said party shall be entitled to enforce his lien to the extent of the amount so accruing to the principal contractor.

SEC. 1243. *Statement of terms.*—Any subcontractor or other person employed by the contractor as aforesaid shall be entitled to demand of the owner or his authorized agent a statement of the terms under which the work contracted for is being done and the amount due or to become due to the contractor executing the same, and if the owner or his agent shall fail or refuse to give the said information, or willfully state falsely the terms of the contract or the amounts due or unpaid thereunder, the said property shall be liable to the lien of the said party demanding said information, in the same manner as if no payments had been made to the contractor before notice served on the owner as aforesaid.

SEC. 1244. *Advance payments.*—If the owner, for the purpose of avoiding the provisions hereof, and defeating the lien of the subcontractor or other person employed by the contractor, as aforesaid, shall make payments to the contractor in advance of the time agreed upon therefor in the contract, and the amount still due or to become due to the contractor shall be insufficient to satisfy the liens of the subcontractors or others so employed by the contractor, the property shall remain subject to said liens in the same manner as if such payments had not been made.

SEC. 1245. *Rank of lien.*—The lien hereby given shall be preferred to all judgments, mortgages, deeds of trusts, liens, and incumbrances which attach upon the building or ground affected by said lien subsequently to the commencement of the work upon the building, as well as to conveyances executed, but not recorded, before that time, to which recording is necessary, as to third persons; except that nothing herein shall affect the priority of a mortgage or deed of trust given to secure the purchase money for the land, if the same be recorded within ten days from the date of the acknowledgment thereof. When a mortgage or deed of trust of real estate securing advances thereafter to be made for the purpose of erecting buildings and improvements thereon is given, or when an owner of lands contracts with a builder for the sale of lots and the erection of buildings thereon, and agrees to advance moneys toward the erection of such buildings, the lien hereinbefore authorized shall have priority to all advances made after the filing of said notices of lien, and the lien shall attach to the right, title, and interest of the owner in said building and land to the extent of all advances which shall have become due after the filing of such notice of such lien, and shall also attach to and be a lien on the right, title, and interest of the person so agreeing to purchase said land at the time of the filing of said notices of lien. When a building shall be erected or repaired by a lessee or tenant for life or years, or a person having an equitable estate or interest in such building or land on which it stands, the lien created by this act shall only extend to and cover the interest or estate of such lessee, tenant, or equitable owner.

SEC. 1246. *Enforcement.*—The proceeding to enforce the lien hereby given shall be a bill in equity, which shall contain a brief statement of the contract on which the claim is founded, the amount due thereon, the time when the notice was filed with the clerk, and a copy thereof served on the owner or his agent, if so served, and the time when the building or the work thereon was completed, with a description of the premises and other material facts; and shall pray that the premises be sold and the proceeds of sale applied to the satisfaction of the lien. If such suit be brought by any person entitled, other than the principal contractor, the latter shall be made a party defendant, as well as all other persons who may have filed notices of liens, as aforesaid. All or any number of persons having liens on the same property may join in one suit, their respective claims being distinctly stated in separate paragraphs; and if several suits are brought by different claimants and are pending at the same time, the court may order them to be consolidated.

SEC. 1248. *What liens first satisfied.*—If the original contractor and the persons contracting or employed under him shall both have filed notices of liens, as aforesaid, the latter shall first be satisfied out of the proceeds of sale before the original contractor, but not in excess of the amount due him, and the balance, if any, of said amount shall be paid to him.

SEC. 1249. *Distribution of proceeds of sale.*—If one, or some only, of the persons employed under the original contractor shall have served notice on the owner, as aforesaid, before payments made by him to the original contractor, said party or parties shall be entitled to priority of satisfaction out of said proceeds to the amount of such payments; but, subject to this provision, if the proceeds of sale, after paying thereout the costs of the suit, shall be insufficient to satisfy the liens of said parties employed under the original contractor the said proceeds shall be distributed ratably among them to the extent of the pay-

ments accruing to the original contractor subsequently to the service of notice on the owner by said parties, as aforesaid.

SEC. 1250. *Labor on two or more buildings.*—In case of labor done or materials furnished for the erection or repair of two or more buildings joined together and owned by the same person or persons, it shall not be necessary to determine the amount of work done or materials furnished for each separate building, but only the aggregate amount upon all the buildings so joined, and the decree may be for the sale of all the buildings and the land on which they are erected as one building, or they may be sold separately if it shall seem best to the court.

SEC. 1251. *Limitation.*—Any person entitled to a lien, as aforesaid, may commence his suit to enforce the same at any time within a year from and after the filing of the notice aforesaid or within six months from the completion of the building or repairs aforesaid, on his failure to do which the said lien shall cease to exist, unless his said claim be not due at the expiration of said periods, in which case the action must be commenced within three months after the said claim shall have become due.

SEC. 1252. *Contests as to ground.*—If there be any contest as to the dimensions of the ground claimed to be subjected to the lien aforesaid, the court shall determine the same upon the evidence and describe the same in the decree of sale.

SEC. 1253. *Entry of satisfaction.*—Whenever any person having a lien by virtue hereof shall have received satisfaction of his claim and cost, he shall, on the demand, and at the cost of the person interested, enter said claim satisfied, in the clerk's office aforesaid, and on his failure or refusal so to do he shall forfeit fifty dollars to the party aggrieved, and all damages that the latter may have sustained by reason of such failure or refusal.

SEC. 1257. *Personal judgments.*—No subcontractor, material man, or workman employed under the original contractor shall be entitled to a personal judgment or decree against the owner of the premises for the amount due to him from said original contractor, except upon a special promise of such owner, in writing, for a sufficient consideration, to be answerable for the same.

SEC. 1258. *Same subject.*—In any suit brought to enforce a lien by virtue of the provisions aforesaid, if the proceeds of the property affected thereby shall be insufficient to satisfy such lien, a personal judgment for the deficiency may be given in favor of the lien or against the owner of the premises or the original contractor, as the case may be, whichever contracted with him for the labor or materials furnished by him, provided such person be a party to the suit and shall have been personally served with process therein.

SEC. 1259. *Wharves.*—Any person who shall furnish materials or labor in filling up any lot or in constructing any wharf thereon, or dredging the channel of the river in front of any wharf, under any contract with the owner, shall be entitled to a lien for the value of such work or materials on said lot and wharf upon the same conditions and to be enforced in the same manner as in the case of work done in the erection of buildings, as hereinbefore provided.

SCOPE OF LAWS

The following brief summary indicates the subject matter of the laws of the various jurisdictions, covering both real and personal property. Subject to lien are, as indicated above, the chattel worked upon and the realty improved; products of mines, quarries, oil and other wells, and the properties themselves; vessels built, repaired, operated, etc.; canals, bridges, roads, railroads, tramways, rolling stock, and franchises; logs, timber, lumber, etc.; animals shod; crops produced; and, in general, the article improved, produced, or otherwise affected by the labor for which the claim is made, together with the necessary adjunct or appurtenant property necessary to make it a severable, transferable unit. In some States a lien of laborers and subcontractors attaches to the fund from which the contractor is to be paid; or the principal may be authorized or directed to retain funds due contractors, on notice from such claimants. These provisions vary, of course, in the different States, as do details of meth-

ods of securing the lien, the time of filing, times and methods of enforcement, and the amounts that must be at stake to warrant procedure. The laws reproduced above are illustrative in most if not all these respects, while the abridgments and references given below furnish citations to the statutes on all phases of the subject.

Alabama.—To persons, firms, or corporations doing work or furnishing materials, fixtures, etc., for buildings, or repairing, altering, or beautifying the same, the improvement of real estate, etc. (Code, secs. 8832–8861.)

To blacksmiths and wood workmen. (Secs. 8863–8867.)

To jewelers, watchmakers, and silversmiths. (Secs. 8868, 8869.)

To masters, laborers, stevedores, victualers, outfitters, shipbuilders, etc., on vessels, for wages, value of supplies, etc. (Secs. 8870, 8871.)

To farm laborers working crops on shares. (Secs. 8872, 8873.)

To railroad laborers and employees, on all property and credits of the company. (Sec. 8878.)

To agricultural laborers and superintendents. (Secs. 8879–8889.)

To laborers and employees getting out or manufacturing lumber and timber. (Secs. 8901–8904.)

Alaska.—To laborers, contractors, subcontractors, and material men on railroads, tramways, or wagon roads, for labor and materials. (C. L., sec. 51.)

To miners, laborers, cooks, engineers, etc., on gold, gold dust, or other minerals. (Secs. 164–174.)

To mechanics, laborers, contractors, teamsters, material men, etc., for labor and materials for buildings, wharves, bridges, flumes, tunnels, mines, etc., "or any structure or superstructure," or for grading streets. (Secs. 691–704.)

To any person making, repairing, or bestowing labor on "any article of personal property." (Secs. 705–708.)

To any person performing labor at the instance of the owner of any mine or mine operation, repair or operation of any dredge, steam shovel, mill, etc., or any ditch, flume, tramway, road, or trail adjunct to mine operation, or on the products and equipment of the mine. (Acts of 1915, ch. 13.)

To persons performing labor upon or assisting in procuring saw logs, spars, piles, cordwood, bolts, or other timber, to owners of boats, teams, engines, etc., employed in moving or transporting same, and to cooks, teamsters, etc., on such logs, etc., for work and labor done. (Acts of 1921, ch. 6.)

On gas wells, oil wells, and other wells, and on pipe lines, for work done or material furnished in digging, drilling, repairing, operating, etc., the same. (Acts of 1921, ch. 38.)

To persons contributing by furnishing material or labor to the preparation of fish or other aquatic animals for food, fish meal, fertilizer, oil, or other article of commerce, on the products and on the plant or establishment and its equipment. (Acts of 1923, ch. 53.)

Arizona.—To laborers, material men, etc., on realty for labor and materials for erection, repair, etc., of buildings, or other structure or improvement. (R. S., secs. 3639–3650, 3658–3663.)

To contractors, laborers, teamsters, etc., on railroads and their equipment, for labor and materials employed in construction or re-

pair; also for boarding, etc., of men and animals engaged thereon. (Secs. 3651, 3652.)

To persons furnishing labor or material for canals, ditches, aqueducts, bridges, fences, etc. (Sec. 3653.)

To miners, laborers, etc., on mine or mining claim, for labor, material, or merchandise furnished. (Sec. 3654 (amended 1915, ch. 67).)

For filling or otherwise improving city lot or adjoining street. (Sec. 3655.)

For construction, alteration, repairs, or carrying on of mill, factory, or hoisting works. (Sec. 3656.)

For cutting, etc., cordwood, logs, ties. (Sec. 3657.)

For labor and material furnished for repairs, etc., of domestic vessels, on the vessel and equipment and on freight money. (Sec. 3664.)

To workmen repairing any article, implement, utensil, or vehicle. (Secs. 3673–3676.)

Arkansas.—To laborers, on products of labor, or on object, material, or property worked on. (Digest, secs. 6848–6865.)

To blacksmiths, horseshoers, wheelwrights, and automobile repair men, on objects and animals worked on, for labor and materials. (Secs. 6866–6888.)

To laborers, mechanics, builders, etc., on realty or on boat or vessel, for labor and materials for any building, improvement, repair work, etc. (Secs. 6906, (amended 1923, No. 563), 6907–6936.)

To miners and quarrymen, on output, and also on tools and machinery. (Sec. 7293.)

To any person or persons working in or about the drilling or operation of any oil or gas well. (Acts of 1923, No. 513.)

To any person, corporation, firm, association, etc., performing labor or furnishing fuel, material, supplies, or machinery used in digging, drilling, torpedoing, operating, maintaining, or repairing any oil or gas well, water well, mine or quarry, oil or gas pipe line, including tanks and other receptacles. (Acts of 1923, No. 615.)

California.—To laborers, repair men, mariners, boatmen, supply or material men, on steamers, vessels, or boats, for services and supplies. (C. Civ. Pro., secs. 813–825.)

To mechanics, material men, contractors, machinists, builders, miners, "and all persons and laborers of every class," on realty and equipment for work done or materials furnished on or on behalf of the construction, repair, etc., of buildings, wharves, bridges, ditches, flumes, tunnels, wells, fences, railroads, wagon roads, etc., and in mine operations and the reduction of ores. (Secs. 1183–1202, (amended 1907, ch. 303; 1919, ch. 277; 1921, ch. 144).)

To laborers, mechanics, caretakers, etc. on personal property, for labor, skill, materials, and care. (Civil Code, secs. 3051, 3052, (amended 1911, ch. 435).)

To mate and seamen, on ship and freightage, for wages. (Sec. 3056.)

To persons employed on or about barley crushers, threshing machines or engines, horsepowers, wagons, etc., on same, for value of services. (Sec. 3061.)

On logs, bolts, or other timber, for cutting, hauling, rafting, or drawing same. (Sec. 3065.)

Colorado.—To mechanics or others making, altering, repairing, or bestowing labor on any article of personal property, for labor and materials. (C. L., secs. 6432–6436.)

To mechanics, material men, contractors, subcontractors, builders, etc., on property on which service is rendered, for construction, alteration, repair, etc., of any building, mill, bridge, ditch, reservoir, tunnel, road, railroad, or other structure or improvement upon land. (Secs. 6442–6465.)

On gas, oil, and other wells, and on ditches, for labor and materials furnished in digging, boring, clearing, etc. (Secs. 6466–6477.)

Connecticut.—To persons furnishing labor and materials in the construction, removal, or repair of buildings, on realty and appurtenances; on railroads and their equipment, on the property of telegraph, telephone, or electric light or power companies, for materials furnished or services rendered; and on vessels, for labor or materials furnished in construction or repairs. (G. S., secs. 5217–5247.)

To jewelers, watchmakers, and silversmiths, on articles worked upon on request of owner or legal possessor. (Acts of 1919, ch. 73.)

Delaware.—To persons performing work and labor or furnishing material for the erection of any house, building, or structure, or for plumbing, gas fitting, paper hanging, paving, installing machinery in mills and factories, construction of bridges, wharves, piers, docks, drainage work, irrigating, etc., on the realty. (R. C., secs. 2843 (am. 1917, ch. 225), 2844 (am. 1917, ch. 225), 2845, 2846 (am. 1917, ch. 226), 2847–2851.)

On ships and vessels, for repairs, equipment, supplies, etc. (Secs. 2860–2862.)

District of Columbia.—The text of the law as to liens on real property is given above, pp. 39–41.

To mechanics and artisans making, altering, or repairing any article of personal property, on same for reasonable charges. (Code, secs. 1260, 1263, 1264.)

Florida.—To mechanics, laborers, material men, etc., furnishing labor or material on buildings or other work or structure, or on fixtures therein or thereon; or on railroads, canals, telegraph, or telephone lines; or labor on farms, orchards, gardens, groves, including fencing, ditching, etc.; or on sidewalks adjacent to any lot—on the realty. (R. G. S., secs. 3495–3501.)

For labor on or with engines, machines, implements, newspaper or printing material, or doing work in any hotel, on the engine, machine, etc., or the furniture and belongings of the hotel; and on logs and timber and articles manufactured therefrom for cutting, rafting, driving, or other labor thereon. (Secs. 3502–3504.)

To bookkeepers, clerks, etc., on the personal property worked upon or used in the business or employment of any person, firm, or corporation, for labor or services performed. (Sec. 3505 (am. 1921, ch. 8474).)

To persons laboring in or managing or overseeing the cultivation of crops, on such crops. (Sec. 3506.)

To persons furnishing labor or materials for the construction of vessels or for their use or benefit, including masters, mates, seamen,

and longshoremen, on the vessel, her tackle, apparel, and furniture. (Sec. 3507.)

For the manufacture, alteration, or repair of any article or thing of value, on the same. (Sec. 3508.)

Georgia.—To employees of any railroad company, on the railroad and other property of the company, for wages earned in its service. (Code, sec. 2793.)

To laborers, a general lien on the property of their employer, and a special lien on the products of their labor. (Secs. 3334, 3335–3339.)

To mechanics of every sort, machinists, contractors, material men, etc., doing labor or furnishing material for building, repairing, or improving real estate, building and equipping factories, steam mills, etc., or building railroads, on the same. (Secs. 3352, 3353, 3365.)

To mechanics of every sort for work done and material furnished in manufacturing or repairing personal property, on the same; on steamboats for the wages of officers and employees; on the products of planing mills and similar establishments, for the wages of laborers; and on logs and lumber, for hauling. (Secs. 3354, 3355, 3357, 3359, 3366, 3367.)

Hawaii.—To persons or associations of persons furnishing labor or materials for use in the construction or repair of any building, structure, railroad, or other undertaking. (R. L., secs. 2863–2868.)

To anyone making, altering, or repairing any article of personal property at the request of the owner or legal possessor. (Acts of 1921, No. 131.)

Idaho.—To anyone lawfully in possession of an article of personal property, for services by labor or skill employed for the protection, improvement, safe-keeping, or carriage therefor; or making altering, or repairing personal property at the request of the owner. (C. S. secs. 6412, 6413.)

To every person performing labor or furnishing material for the construction, alteration, or repair of any mining claim, building, wharf, bridge, ditch, dike, flume, tunnel, fence, machinery, railroad, wagon road, aqueduct for hydraulic power, or any other structure, or for labor in any mine; also to laborers and subcontractors on public buildings. (Secs. 7339, 7340.)

To any person who, at the request of the owner, grades, fills in, or otherwise improves a lot in an incorporated city or town, or the street in front of or adjoining the same. (Sec. 7343.)

For labor on or in procuring saw logs, spars, piles, cordwood, or other timber, the services of cooks included, also for the labor of manufacturing saw logs into lumber. (Secs. 7356–7371.)

To persons doing any labor on a farm or land in cultivating, harvesting, threshing, or housing any crop or crops raised thereon. (Secs. 7371–7475. Procedure, etc., amended, 1923, chs. 24, 33, 156.)

Illinois.—On sail vessels, steamboats, steam dredges, tug boats, scows, canal boats, barges, lighters, and other water craft of above 5 tons burden, for work or services as seamen, master, or other employee thereof; and for labor at pumping out or raising when sunk or disabled. (R. S., ch. 12.)

To persons who, at the request of an owner or his authorized agent, shoes a horse, mule, ox, or other animal. (Ch. 66.)

To subcontractors, laborers, etc., furnishing any railroad corporation materials or supplies or performing work or labor for the construction, operation, maintenance, or repair of such roads. (Ch. 82, secs. 7–14.)

To anyone who, under contract with the owner or his agent, or a contract made with his known permission, furnishes materials, labor, etc., for the improvement of any lot or tract of land, or for building, altering, repairing, or ornamenting any house or other building, or any driveway, fence, or other improvement or appurtenance thereto, including walks, sidewalks, streets, and alleys adjoining, for services as superintendent, timekeeper, mechanic, laborer, or otherwise. Special mention is made of form work with cement, concrete, or like material. (Ch. 82, secs. 15 (amended 1919, p. 640) 16–36.)

In case of public improvements a lien lies against the fund. (Sec. 37, amended 1919, p. 642.)

On boats, barges, or other water craft, for labor or material used in constructing, building, altering, repairing, or ornamenting the same. (Ch. 82, sec. 51.)

For lien on chattels, see text of law, pp. 37, 38.

Indiana.—All boats, vessels, and water craft of every description are subject to lien for work or services of boatmen, mariners, laborers, or other persons; or for work done or materials furnished in building, repairing, fitting out, etc., the same. (A. S., secs. 8279–8284.)

The employees of any corporation have a first and prior lien on the property of such corporation for all work and labor performed. (Secs. 8288–8293.)

To persons, firms, and corporations furnishing supplies or making repairs to automobiles, motor trucks, or motor bicycles. (Sec. 8294a, amended 1915, ch. 167.)

To contractors, subcontractors, mechanics, journeymen, laborers, and all persons performing labor or furnishing materials or machinery for the erection, altering, repairing, or removing of any house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure; work on walks or sidewalks on or bordering the land; work on stiles, wells, drains, ditches, sewers, or cisterns; to mechanics and laborers employed in or about any shop, mill, wareroom, storeroom, manufactory, or other building. (Secs. 8295 (amended 1921, ch. 56), 8296–8304.)

To persons performing work or labor in grading, excavating, etc., or work of any kind in the construction or repair of any railroad or part thereof, including bridges, trestlework, and masonry. (Secs. 8305–8307.)

To tradesmen and mechanics intrusted with materials to construct, alter, or repair any article of value. (Secs. 8308–8311.)

To miners and others working in and about mines. (Sec. 8596.)

To all laborers and other persons performing labor or other service, furnishing board or materials in the construction of any work under the provisions of the act providing for drainage, sanitary, and reclamation districts. (Acts of 1915, ch. 88, sec. 57.)

To every person who at the request of the owner or his agent shoes any horse, mule, ox, or other animal, or repairs any vehicle. (Acts of 1915, ch. 112.)

To transfer men, draymen, and all persons, etc., engaged in packing for shipment or storage, transferring, hauling, etc., goods and merchandise or other articles of value. (Acts of 1921, ch. 144.)

Iowa.—To every person doing labor upon or furnishing materials, etc., for any building, erection, or improvement on land, including works of internal improvement, including the construction or equipment of railroads, canals, etc., and the grading of any land or lot. (Code, secs. 3089–3091.)

To mechanics, laborers, or other persons performing labor or furnishing material for the construction of any public building, bridge, or other improvement not belonging to the State. (Sec. 3102, amended 1919, ch. 380.)

To laborers and miners performing labor in opening, developing, or operating any coal mine. (Sec. 3105.)

For labor done in, about, or on any boat or raft, in building, repairing, fitting out, etc., the same. (Secs. 4402–4416.)

Kansas.—To all laborers and other persons performing service or furnishing material in the construction of any work under the act relating to repairs and work in drainage districts. (G. S., sec. 4043, amended 1917, ch. 175.)

To any mechanic, artisan, or tradesman intrusted with materials for the construction, alteration, or repair of any article of value, or with any such article for alteration or repair. (Sec. 6082.)

To blacksmiths, horseshoers, wagon makers, keepers of garages, or other persons, on goods, chattels, horses, mules, wagons, buggies, or other vehicles or automobiles and any farm implements coming into possession for work thereon, repairs, or improvements in any wise appertaining thereto. (Sec. 6092, amended 1917, ch. 232.)

To anyone performing labor or furnishing material for the erection, alteration, or repair of any building or improvement on land, or putting in fixtures or machinery, or planting trees, vines, plants, or hedge, or building or repairing walks or fences in or on said land, or sidewalks on abutting streets. (Secs. 7557, 7559 (both amended 1919, ch. 235), 7560–7570.)

Kentucky.—To any person performing labor or furnishing materials for erecting, altering, or repairing a house, building, or other structure, or any fixture or machinery therein, or for excavating cellars, cisterns, vaults, wells, or for the improvement in any manner of real estate. (Statutes, secs. 2463–2479.)

To officers (except the captain) and hands employed on any steamboat, brig, schooner, sloop, or model barge, for wages; also to mechanics, tradesmen, and others for work, supplies, materials, etc., for building, repairing, fitting, or furnishing such boat or vessel. (Secs. 2480–2486.)

On the property and effects of any mine, railroad, turnpike, canal, or other public improvement company, or of any rolling mill, foundry, or other manufacturing establishment, for the wages of employees; also to persons performing work or furnishing material, supplies, or teams for the construction or improvement of any canal or other public improvement. (Secs. 2487–2498.)

To persons or corporations selling, repairing, or furnishing accessories or supplies for motor vehicles, for repairs, work done, etc. (Acts of 1918, ch. 75.)

To persons, firms, and corporations engaged in performing work on any watch, clock, or jewelry. (Acts of 1920, ch. 119.)

To anyone furnishing work, labor, materials, or supplies for the development or improvement of leaseholds relating to oil, gas, or other minerals. (Acts of 1924, ch. 69.)

Louisiana.—To masons, carpenters, and other workmen on buildings, to blacksmiths and other artificers who undertake work by the job, and to every mechanic, workman, or other person doing any work toward the erection, construction, or furnishing of any building; also to workmen employed in the construction or repair of ships and boats. (Civil Code, arts. 2770–2777, 3249, 3272.)

To servants and domestics who receive wages and reside in the house. (Art. 3205.)

To laborers employed in the working of crops. (Art. 3217.)

To the captain and crew of any vessel, and to persons employed to watch vessels in port. (Art. 3237.)

To any persons performing labor or service in deadening, felling, cutting, hauling, banking, driving, running, rafting, or booming any logs, timber, or staves. (R. L., p. 680.)

To managers, mechanics, and laborers in saw, planing, and shingle mills, sash, door, and blind factories, hoop mills, stave and box factories. (P. 681, amended, 1912, No. 23.)

To laborers engaged in gathering, picking, saving, and preparing for market any moss grown on trees. (P. 681.)

To laborers and workingmen on buildings, streets, railroads, canals, ditches, and other similar works. (P. 682.)

To laborers on farm crops, superior to any other lien. (P. 686.)

To any person performing any labor or service in cutting, hauling, running, etc., any log or timber for telegraph or telephone poles or crossties. (Acts of 1912, No. 195.)

To managers, mechanics, and laborers employed or working in sugar refineries, sugar mills, or sirup mills. (Acts of 1914, No. 185.)

To persons operating a garage or other place where automobiles or other machinery are repaired, for repairs and labor performed. (Acts of 1916, No. 82, amended 1924, No. 5.)

To persons furnishing materials or labor that entered into the construction, maintenance, or repair of the permanent roadbed and structures of a railroad. (Acts of 1916, No. 98.)

To any mechanic, builder, artisan, workman, laborer, or other person doing any work or labor or furnishing materials, etc., for any building, erection, or improvement on land. (Acts of 1916, No. 229.)

To anyone furnishing feed for the work animals of any contractor on public works or public roads, on the fund from which such contractor is paid. (Acts of 1924, No. 203.)

Maine.—To any one furnishing labor or materials for building a vessel. (R. S., ch. 96, secs. 8–26.)

To any one digging, hauling, or furnishing rock for the manufacture of lime; or who labors in quarrying or cutting and dressing granite in any quarry; or in mining, quarrying, or manufacturing slate in any quarry; or performs labor or furnishes labor or wood for manufacturing and burning bricks. (Secs. 27, 28.)

To whoever performs labor or furnishes labor or materials in erecting, altering, moving, or repairing a house, building, or appurtenances, including public buildings by any city, town, school district, or other municipal corporation; or in constructing, altering, or repairing a wharf or pier or building thereon; or in laying out or constructing any road, path, or walk, or in improving or beautifying any land by what is commonly known as landscape gardening. (Secs. 29–44.)

To anyone who labors at cutting, hauling, rafting, driving, or towing logs or lumber, or at cooking for persons engaged in such work, or in shoeing horses or oxen, or repairing property while thus employed, or in getting out hemlock bark, cordwood, pulp wood, last blocks, shovel-handle blocks, railroad ties, ship knees, shingles, staves, laths, dowels, and spool timber. (Secs. 47–53.)

To anyone cutting or harvesting hay, or pressing hay or straw. (Secs. 54, 55.)

To anyone performing labor by himself or his employees in manufacturing or repairing wagons, carts, sleighs, and other vehicles. (Secs. 56, 57.)

To whoever performs labor in any tannery where leather is prepared. (Sec. 59.)

To every individual, partnership, or corporation having an established place of business in the State, engaged in making, altering, or repairing any watch, clock, or jewelry, or expending any labor or materials thereon. (Acts of 1917, ch. 295.)

Maryland.—For work done on buildings erected or on buildings repaired, rebuilt, or improved to the extent of one-fourth their value; or on any machine, wharf, or bridge erected, constructed, or repaired. (A. C., art. 63, secs. 1–42.)

To boat builders, mechanics, merchants, farmers, or other persons. For work done or materials furnished in building, repairing, or equipping any boat or vessel. (Secs. 43–52.)

To jewelers or silversmiths for repairs or work on articles left with or given to them therefor. (Sec. 53, added 1912, ch. 653.)

For repair, storage, etc., of automobiles, or furnishing parts or accessories. (Secs. 54–58, added 1918, ch. 403, 1924, ch. 417.)

Massachusetts.—To persons performing personal labor in the erection, alteration, repair, or removal of a building or structure on land, or furnishing labor and material for the same. (G. L., ch. 254.)

To persons employed to construct, repair, or launch a vessel or to assist therein, or to construct, etc., launching ways for the same. (Ch. 255, secs. 14–22.)

Michigan.—To anyone having a claim for labor against any railroad or street railway company. (C. L., sec. 8339.)

To anyone furnishing labor or materials in or for building, altering, improving, repairing, erecting, etc., any house, building, machinery, wharf, or structure, making excavations therefor, or building or repairing sidewalks or wells. (Secs. 14796 (amended 1919, No. 140), 14797–14825.)

To mechanics, artisans, or tradesmen for labor and skill applied to constructing, finishing, altering, fitting, or repairing any article of furniture, jewelry, implement, clothing, watch, clock, or other article of value delivered to them; or furnishing or performing

labor in mining, smelting, or manufacturing iron, copper, silver, or other ores or minerals; or in mining coal, shale, or clay; or (cooks and blacksmiths included) in manufacturing lumber or shingles or in cutting, skidding, hauling, driving, etc., logs, timber, posts, ties, poles, staves, etc. (Secs. 14831–14857.)

For shoeing any horse, mule, ox, or other animal. (Secs. 14859–14871.)

To owners or lessees of hay presses, threshing machines, hullers, or similar machines. (Secs. 14872–14880.)

To seamen and other employees except the master for work or services on board any water craft above 5 tons burden; or in loading or unloading the same; or for work done or materials furnished in building, repairing, fitting, etc., such craft. (Secs. 14892–14939.)

Minnesota.—To persons performing labor or furnishing skill, material, or machinery for the erection, alteration, repair, or removal of any building, fixture, wharf, bridge, fence, or other structure on land; or for grading, filling, or excavating; or for clearing, grubbing, or first breaking; or work on ditches, drains, wells, cisterns, sidewalks, gutters, paving, sewers, pipes, etc.; or for the construction, alteration, or repair of any line of railway or structure or appurtenance; or any telegraph, telephone, or electric light line; or any line of pipe, conduit, or subway; or for the opening or working of any mine. (G. S., secs. 7020 (amended 1921, ch. 229), 7021–7035.)

To anyone making, altering, or repairing any article, or expending any labor, skill, or material thereon; or shoeing any horse, mule, ox, or other animal; or making, altering, repairing, etc., any motor vehicle; or cutting, hauling, driving, etc., logs, crossties, poles, or other timber. (Secs. 7036–7076.)

Mississippi.—To employees, laborers, croppers, managers, etc., making, gathering, or preparing for sale or market any crop. (Code, secs. 3042–3056.)

For labor done or materials furnished about the erection, construction, alteration, or repair of any house, building, or structure of any kind, or machinery or other fixtures; or of any boat or other water craft, or any railroad or railroad embankment. (Secs. 3058–3074, amended 1918, ch. 128.)

For labor and material employed in constructing, manufacturing, or repairing carriages, buggies, wagons, plows, or other article. (Sec. 3075.)

For work done or materials supplied in building, repairing, fitting, victualing, etc., any ship, steamboat, or other water craft, or work done on board the same. (Secs. 3085–3087.)

To employees and laborers employed in operating a sawmill or planing mill, or in cutting, shipping, or rafting timber. (Acts of 1908, ch. 131 amended 1922, ch. 282.)

Missouri.—To mechanics and other persons performing any work or labor or furnishing materials, fixtures, machinery, etc., for any erection, building, or improvements on land, or for repairing the same; or for sidewalks alongside or in front of any lot. (R. S., secs. 7216–7249.)

To persons doing any work or labor in constructing or improving the roadbed, rolling stock, bridges, depots, etc., of railroads. (Secs. 7261–7277.)

To persons furnishing labor or material on any vehicle, part or equipment thereof; or on any horse, mule, or other animal. (Secs. 7278–7284.)

Montana.—To every person, including cooks in camps, performing labor upon or assisting in obtaining or securing saw logs, piling, railroad ties, cordwood, or other timber. (R. C., secs. 8318–8338.)

To mechanics, miners, machinists, architects, foremen, engineers, builders, lumbermen, artisans, workmen, laborers, or any other person performing work and labor upon or furnishing materials, machinery, or fixtures for any building, structure, bridge, flume, canal, ditch, aqueduct, mining claim, quartz lode, tunnel, city or town lot, farm, ranch, fence, railroad, telegraph, telephone, electric light, gas or waterworks or plant, or any improvements. (Secs. 8339–8350.)

To any person, partnership, or corporation performing labor or furnishing material, etc., in digging, drilling, torpedoing, completing, operating, or repairing any oil or gas well. (Secs. 8375 (amended 1923, ch. 152), 8376, 8377 (amended 1923, ch. 152).)

To the mate and seamen of a ship for their wages. (Sec. 8390.)

Nebraska.—To any person performing labor or furnishing material, etc., for the construction, erection, improvement, repair, or removal of any house, mill, well, cistern, manufactory, building, or appurtenance; or for any railroad, canal, bridge, viaduct, or similar improvement. (C. S., secs. 3207–3223, 3228, 3229.)

To anyone making, altering, or repairing or in any way enhancing the value of any vehicle, automobile, machinery, farm implement, or tool, or shoeing any horse or mule. (Secs. 3225–3227).

To jewelers, silversmiths, and clock and watch repairers for repairs, parts, or work on articles left with them. (Secs. 3230–3233.)

To any person, firm, or corporation performing work or labor, exerting care or diligence, or advancing money or material on personal property. (Acts of 1923, ch. 118).

Nevada.—To every person performing labor on or furnishing material of the value of $5 or more for the construction, alteration, or repair of any building or other superstructure, railroad, tramway, toll road, canal, ditch, flume, aqueduct or reservoir, building, bridge, fence, or other structure; to miners, laborers, and others working to the amount of $5 or more in or about any mine, shaft, tunnel, adit, or other excavation for a mine; or furnishing timber therefor; or grading, filling, or improving any city lot or the street in front of or adjoining the same. (R. L., secs. 2213–2229.)

To persons cutting or cording wood or timber. (Sec. 2230.)

To foundrymen and boilermakers performing labor or furnishing materials for the construction, repair, or carrying on of any mill, manufactory, or hoisting works. (Sec. 2231.)

To persons repairing, etc., motor vehicles. (R. L. 1919, p. 2839.)

New Hampshire.—To anyone performing labor or furnishing materials toward building, repairing, fitting, or furnishing any vessel; or for erecting or repairing a house or other building or appurtenances, or for building any dam, canal, sluiceway, well, or bridge, other than for a municipality; or for making brick; or for rafting, driving, cutting, hauling, or drawing wood, bark, lumber, or logs; or for grading, masonry, bridging, or tracklaying of a railroad. (P. S., ch. 141, secs. 9, 10 (amended 1921, ch. 7), 11–18.)

To jewelers, watchmakers, and silversmiths altering, repairing, or doing any work on any article of personal property. (Acts of 1917, ch. 134.)

New Jersey.—For work done or materials furnished for building, repairing, fitting, furnishing, or equipping any ship or vessel, or for watching the same while in port. (C. S., pp. 3127–3132.)

For labor or materials bestowed or employed in the repair or construction of any chattel. (Pp. 3138, 3139.) For labor performed or materials furnished for the erection, construction, alteration, repair, or removal of any building, mill, or manufactory of whatever description, or of docks, wharves, and piers. (Pp. 3291–3315.)

To keepers of garages for keeping, repairing, etc., motor vehicles or furnishing accessories therefor. (Acts of 1915, ch. 312, amended 1922, ch. 231; 1924, ch. 201.)

To laborers, mechanics, etc., performing labor or furnishing materials under any contract for any public improvement made with a county, city, town, or other municipality. (Acts of 1918, ch. 280.)

New Mexico.—To every person performing labor or furnishing material for the construction, alteration, or repair of any mining claim, building, wharf, bridge, ditch, flume, tunnel, fence, machinery, railroad, wagon road, or aqueduct to operate hydraulic power, or any other structure; or for grading, filling, or otherwise improving any lot in a city or town, or the street adjoining same. (A. S., secs. 3318–3332.)

To artisans and mechanics for making or repairing articles, including motor vehicles, wagons, buggies, or other vehicles; for shoeing any horse, mule, ox, or other animal. (Secs. 3333–3335, all amended 1923, ch. 24.)

New York.—To contractors, subcontractors, laborers, and material men performing labor or furnishing materials for the improvement of real property; or furnishing labor or materials to a contractor, etc., for the construction of a public improvement; or performing any labor for a railroad corporation. (Con. L., ch. 33, secs. 1–61, amended 1916, ch. 507.)

To persons doing work or furnishing materials for sea-going vessels in the amount of $50, or other vessels in the amount of $15, or loading, unloading, or watching such vessels. (Secs. 80, 82–107.)

To persons excavating, quarrying, mining, dressing, or cutting sandstone, granite, cement, stone, limestone, bluestone, or marble. (Secs. 140–142.)

To any person who makes, alters, repairs, or in any way enhances the value of any article of personal property, including motor vehicles, watches, clocks, and jewelry. (Secs. 180, 184, 186, added 1914, ch. 241.)

To truckmen and draymen for hauling, etc. (Sec. 187, added 1918, ch. 366.)

North Carolina.—To persons doing work or furnishing material for building, rebuilding, repairing, or improving any building, lot, farm, or vessel. (Con. S., secs. 2433, 2434, 2437–2443.)

To mechanics or artisans making, altering, or repairing any article of personal property. (Sec. 2435.)

To persons cutting or sawing logs into lumber or getting out pulp wood, acid wood, or tanbark. (Sec. 2436.)

For labor in loading or unloading vessels, and owners are charged with the duty of seeing that stevedores' laborers are paid. (Secs. 2447–2455.)

North Dakota.—To any person performing any labor upon or furnishing any materials, machinery, or fixtures for the construction or repair of any work of internal improvement, or of any building or other structure upon lands, or making any other improvements thereon, including fences, sidewalks, pavings, wells, grades, drains, or excavations. (R. C., secs. 6237 (amended 1911, ch. 187), 6238–6251.)

To every miner or other person performing labor or furnishing material for any lode, lead, ledge, mine, or deposit bearing gold, cinnabar, or copper, or any coal bank or mine, or materials for timbering, erecting windlasses, etc., cars, car tracks, tunnels, drifts, or openings. Oil wells or springs, iron, lead, and other mines are also covered. (Secs. 6256–6263.)

To farm laborers for work between April 1 and December 1 of any year. (Secs. 6277–6280.)

To any person rendering service by labor or skill in the protection, improvement, safe keeping, or carriage of any article of personal property. (Sec. 6286.)

To mates and seamen of ships for their wages. (Sec. 6290.)

To any blacksmith or mechanic having an established place of business in the State for making, altering, or repairing any personal property. (Sec. 6295, amended 1917, ch. 182.)

Ohio.—To persons performing labor in mining coal or removing it from the mines, or other manual labor connected therewith. (G. C., sec. 8309.)

To persons doing work or labor upon or furnishing machinery, material, or fuel for constructing, altering, or repairing a boat, vessel, or other craft, or for erecting, altering, repairing, or removing a house, mill, manufactory, furnace, or other building, appurtenance, fixture, bridge, or other structure; or for digging, drilling, operating, etc., any oil, gas, or other well; or for altering, repairing, or constructing any oil derrick, oil tank, or pipe line, or furnishing tile for draining any lot or land; or for the construction, alteration, or repair of any street, turnpike, road, sidewalk, way, drain, ditch, or sewer. (Secs. 8310–8323–10 (amended 1913, pp. 369, 378; 1915, p. 522), 8324 (amended 1910, p. 229), 8325–8331.)

To laborers and employees of any persons, associations, or corporations in employment at agriculture, mining, manufacturing, or other manual labor. (Secs. 8339–8342.)

To persons, etc., constructing railroads, depot buildings, water tanks, or any part thereof, or furnishing materials or boarding. (Secs. 8343–8352.)

To persons performing common or mechanical labor on or furnishing supplies to any railroad, street or electric railway, turnpike, canal, or any public structure, or any abutment pier, culvert, embankment, sidetrack, etc. (Secs. 8370–8380.)

For labor, supplies, etc., in building, repairing, furnishing or equipping any steamboat or other watercraft. (Secs. 12088–12102.)

Oklahoma.—To any person performing labor or furnishing material for the erection, alteration, or repair of any building, improvement, or structure on land, or in putting in fixtures, machinery,

etc.; or planting trees, vines, plants or hedges; or building or repairing any fence, walk or sidewalk. (R. L., secs. 3862 (amended 1923, ch. 54), 3863, 3864.)

To any person, corporation or copartnership performing labor or furnishing material, machinery, and supplies for digging, drilling, operating, etc., any oil or gas well. (Secs. 3865 (amended 1919, ch. 258), 3866, 3867.)

To mechanics, builders, laborers, etc., performing work or furnishing materials for the equipment of any railroad. (Secs. 3868–3871.)

To laborers performing work or labor, on the production of their labor. (Acts of 1911, ch. 114.)

To blacksmiths, wheelwrights, and horseshoers, on the product of their labor. (Acts of 1913, ch. 82.)

To any person, firm, or corporation furnishing labor, material, etc., for the production, alteration, or repair of any personal property. (Acts of 1917, ch. 187.)

Oregon.—To mechanics, artisans, machinists, builders, laborers, teamsters, and other persons performing labor or furnishing material, or transporting or hauling material for the construction, alteration, or repair of any building, wharf, bridge, ditch, flume, reservoir, tunnel, fence, sidewalk, machinery, or aqueduct, or any structure or superstructure, or in digging, drilling, driving, or boring any well; or for grading, filling, or otherwise improving any lot, or the street adjoining the same; or furnishing fuel, ties, material, or supplies or doing any work or labor for a contractor with a railroad corporation; or for clearing or improving land by ditching, diking, tiling, leveling, etc. (Laws, secs. 10191–10209, 10214–10218.)

To persons performing any labor upon or furnishing material for the working or development of any mine, lode, mining claim, or deposit yielding or containing coal, metal, or mineral of any kind, or for shafts, tunnels, drifts, excavations, etc., for working or draining the same; or for roadways, trails, ditches, pipe lines, flumes, buildings, structures, etc., in connection therewith. (Secs. 10219–10225.)

To any person making, altering, repairing, or bestowing labor on any article of personal property. (Sec. 10226, amended 1923, ch. 125.)

To persons performing labor on or assisting in obtaining or securing saw logs, spars, piles, cordwood or other timbers, or assist in manufacturing saw logs or other timber into lumber. (Secs. 10236–10251.)

To persons shoeing any horse, mule, ox, or other animal. (Secs. 10252–10257.)

To any person who by himself or by his livestock or machinery shall do any labor or service on any farm, land, or orchard in tilling, pruning, spraying, harvesting, threshing, gathering fruit or berries, etc., including cooking for workers so employed. (Secs. 10265 (amended 1923, ch. 16), 10266–10271.)

To any one expending labor, skill or materials on any chattel. (Secs. 10272–10278.)

For wages earned on board any boat or vessel, or for labor done or materials furnished for the construction, repair, launching, fit-

ting, equipping, etc., of the same; or for work in the construction, maintenance, operation, etc., of any fishing boat, net, seine, fish trap, weir, scow or other craft or gear used in taking, transporting, etc., fish. (Secs. 10281–10310.)

Pennsylvania.—For work done or materials and supplies furnished for building, repairing, fitting, furnishing, etc., any ship, steamboat or vessel. (Statutes, secs. 802–826.)

To contractors and subcontractors erecting, constructing, removing, altering, or repairing any structure or other improvement, including outhouses, sidewalks, yards, fences, walls, or other inclosure, and the fitting or equipment, including paper hanging, grates, furnaces, etc.; equipping with machinery, gearing, boilers, engines, cars, and other appliances; laying or relaying rails, ties, or pipes, stringing wires, erecting poles, etc. (Secs. 14632–14721.)

In cases of public improvements, subcontractors have a lien on amounts due contractors. (Secs. 14722–14726.)

Rhode Island.—For work done and materials used in the construction, erection, or repair of any building, canal, turnpike, railroad, or other improvement. (G. L. ch. 301, secs. 1–23.)

To jewelers, watchmakers, or silversmiths who alter, repair, or do any work on any article of personal property. (Sec. 30.)

South Carolina.—To mechanics on any property left at their shops for repair. (Civil Code, sec. 2614, amended 1922, No. 523.)

To any person performing or furnishing labor or furnishing material used in the erection, alteration, or repair of any building or structure on any real estate or for the boring and equipping of wells. (Secs. 4113 (amended 1922, No. 526), 4114–4151.)

Laborers have a first lien on money received by contractor, but the owner is not thereby made responsible. (Sec. 4152; Cr. Code, sec. 451.)

To persons performing labor or furnishing materials for the construction, repair, or launching of any ship or vessel. (Civil Code, secs. 4153–4160.)

For labor performed or furnished and materials furnished and used in the construction, alteration, or repair of any railroad. (Sec. 4161.)

To laborers who assist in making any crop. (Secs. 4163–4168.)

To employees of factories, mines, mills, distilleries, and all and every kind of manufacturing establishment. (Secs. 4173 (amended 1915, No. 155), 4174, 4175.)

To laborers, mechanics, subcontractors, and persons furnishing material for the improvement of real estate. (Acts of 1916, No. 375.)

South Dakota.—To miners and other persons performing labor of any kind on any mine, mining claim, or oil well or spring, or aiding in the operation and development thereof. (R. C., secs. 1631–1642.)

To any one contributing to the improvement of real estate by performing labor or furnishing skill, material, or machinery for the erection, alteration, repair, or removal of any building, fixture, bridge, fence, or other structure, digging or repairing any ditch, drain, well, cistern, reservoir, or vault, or laying, altering, or repairing any sidewalk, curb, gutter, paving, sewer, pipe, or conduit; or for

the construction, alteration, or repair of any line of railway or structure or appurtenance thereof, or of any telegraph, telephone, or electric light line, pipe, conduit, or subway. (Sec. 1643–1659.)

To persons performing labor or furnishing materials for the construction of any work, including drainage ditches, for any county or municipal or public school corporation, on the moneys due or to become due under the contract. (Secs. 1660–1668.)

To mates and seamen, for wages. (Sec. 1698.)

To any person who makes, alters, or repairs any article of personal property. (Sec. 1700.)

To every craftsman, on property left with him for repairs. (Acts of 1923, ch. 217.)

Tennessee.—To mechanics, founders, machinists, journeymen, etc., doing work or furnishing material for the construction, building, or repair of any house, or for fixtures, machinery, or improvements. (Code, secs. 3531–3546.)

To any one doing work or furnishing materials for building, repairing, furnishing, or equipping any steam or keel boat. (Secs. 3547, 3548.)

To silversmiths, locksmiths, gunsmiths, blacksmiths, and artisans generally, on materials or articles left with them to be repaired. (Secs. 3559–3563.)

To employees and laborers of persons, firms, etc., engaged in mercantile business. (Secs. 3566a–3566a–3.)

To persons performing labor or rendering service for cultivating soil and producing a crop. (Secs. 3567–3569.)

To persons grading the way of a railroad, or constructing or repairing culverts and bridges, furnishing crossties, laying tracks, erecting depots, platforms, stations, section houses, shops, or other buildings, or furnishing labor or materials therefor. (Secs. 3570–3586.)

To any mechanic, contractor, founder, or machinist, for repairing, improving, etc., any vehicle, however propelled. (Secs. 3592a–5–3592a–6 (amended 1919, ch. 55), 3592a–7.)

Texas.—To any artisan, laborer, mechanic, person, firm, or corporation who may labor or furnish material, machinery, etc., to erect any house or improvement or repair any building or improvement whatever, or for the construction or repair of levees or of railroads, including the clearing, grubbing, draining, or fencing of lands, constructing, etc., wells, cisterns, tanks, reservoirs, and machinery and pumps for raising water for stock, domestic use, or irrigation. (R. Civ. S., arts. 5621 (amended 1917, ch. 171), 5622–5639.)

To mechanics, laborers, and operatives performing labor in the construction, operation, or repair of any railroad, locomotive, car, or other equipment. (Arts. 5640–5643.)

To clerks, accountants, bookkeepers, artisans, craftsmen, factory or mill operatives, servants, mechanics, quarrymen, laborers, farm hands, for service in any office, store, hotel, shop, mine, quarry, factory, or on any farm. (Arts. 5644–5649.)

To persons doing repairs or labor or furnishing supplies or materials for or on account of any domestic vessel. (Arts. 5650–5651.)

To carpenters, mechanics, artisans, or other workmen repairing any article, implement, utensil, or vehicle. (Arts. 5665–5671.)

To artisans, laborers and mechanics, persons, firms, or corporations performing labor or furnishing material for digging, drilling, torpedoing, operating, or maintaining any oil or gas well, water well, mine or quarry, or oil or gas pipe line. (Acts of 1917, ch. 17.)

Utah.—To mechanics, material men, foundry men, boiler makers, and all persons of every class performing labor upon or furnishing materials to be used in the construction, alteration, or repair of any building, bridge, ditch, flume, aqueduct, tunnel, fence, railroad, wagon road, or other structure, or improvement upon land, including mines, lodes, mining claims, etc., but not public buildings, structures, or improvements. (C. L., secs. 3722–3751.)

To mechanics or other persons making, altering, repairing, or bestowing labor on any article of personal property. (Secs. 3773–3775.)

Vermont.—To persons performing labor or furnishing material for building, repairing, fitting, or furnishing a ship, vessel, or steamboat; or for erecting, repairing, moving, or altering a building, steam engine, or water wheel attached to real estate. (G. L., secs. 2808–2816.)

To any person making, altering, or repairing any article of personal property, or cutting or drawing logs. (Secs. 2817–2823.)

Virginia.—To all persons performing labor or furnishing material of the value of $10 or more, for the construction, removal, repair, or improvement of any building or structure permanently annexed to the freehold; or for the construction of any railroad. (A. C., secs. 6426 (amended 1922, ch. 498), 6427–6429, 6429a (added 1924, ch. 435), 6430–6435, 6436 (amended 1924, ch. 282), 6437 (amended 1920, ch. 415).)

To all conductors, brakemen, engine drivers, firemen, stewards, clerks, depot or office agents, storekeepers, mechanics, traveling representatives, or laborers, and all persons necessary to the operation of any railway, canal, or other transportation company, and all clerks, mechanics, traveling representatives, and laborers of mining or manufacturing companies. (Secs. 6438 (amended 1922, ch. 9), 6439–6442.)

To every mechanic altering or repairing any article of personal property. (Sec. 6443; amended 1924, ch. 413.)

Washington.—To persons performing labor or furnishing materials to be used in the construction, alteration, or repair of any mining claim, building, wharf, bridge, ditch, dike, flume, tunnel, well, fence, machinery, railroad, street railway, wagon road, aqueduct to create hydraulic power, or any other structure, or who perform labor in any mine or mining claim or stone quarry. (C. and S., secs. 1129–1148.)

To persons performing labor in the operation of any railway, canal, or transportation company, or any water, mining, or manufacturing company, sawmill, lumber, or timber company. (Secs. 1149–1153.)

To persons, firms, or corporations performing labor or furnishing material in the construction or repair of any chattel. (Secs. 1154–1157, all amended 1917, ch. 68.)

To persons performing labor on or assisting in obtaining or securing saw logs, spars, piles, cordwood, shingle bolts, or other timber, owners of tug or tow boats towing or assisting in towing the same, owners of teams or logging engines, or of logging or other railroads hauling or assisting in hauling or moving the same; scalers, cooks, waiters, etc., in camps are included. (Sec. 1162 (as amended 1923, ch. 10) –1181.)

For services rendered on board steamers, vessels, and boats, and for work done or material furnished for the construction, repair, or equipment thereof; also for services of stevedores. (Secs. 1182–1187.)

To any person doing labor on any farm or land, in tilling the same, or sowing, harvesting, or threshing grain. (Secs. 1188–1190a.)

To any person or corporation doing or causing to be done any labor on any orchard or orchard land, in pruning, spraying, cultivating, and caring for the same. (Acts of 1917, ch. 110.)

West Virginia.—To every person, firm, or corporation erecting, building, constructing, altering, removing, or repairing any building or other structure or improvement appurtenant thereto, or furnishing materials, machinery, or necessary supplies therefor, or performing labor in connection therewith; and to workmen, artisans, mechanics, laborers, or other persons performing labor in such erection, repair, etc. (Code Supp., secs. 3851a–3851j, 3851l–3855.)

For work and labor done on steamboats, steamers, and vessels. (Sec. 3856.)

Wisconsin.—To every person, firm, corporation, or association who performs or procures to be performed any work or labor, or furnishes materials for the erection, construction, repair, protection, or removal of any dwelling, house, building, or appurtenance thereto, structure, bridge, wharf, dock, pier, fence, wall screen, or other permanent erection, on any machinery becoming a part of the freehold; fixtures for gas, water, electricity, or heat; or digging, dredging, etc., any channel, well, cellar, vault, fountain, etc.; making, repairing, etc., any walk, sidewalk, or curbing, or grading, graveling, leveling, or repairing any street, alley, roadway, or gutter; or setting out or planting any hedge, fruit, or ornamental trees. (Statutes, secs. 3314–3328.)

To persons, including cooks, doing or performing any labor or service in cutting, hauling, running, piling, rafting, booming, sawing, peeling, etc., or manufacturing into lumber or timber any logs, timber, stave bolts, heading, pulp, fire or cord wood, ties, poles, posts, etc., or preparing wood for the manufacture of charcoal. (Secs. 3329–3337, 3341.)

To persons performing labor or services in mining, manufacturing, or smelting iron, copper, silver, or other ores or minerals; or quarrying, cutting, crushing, or otherwise preparing stone for building, paving, monumental, or other use. (Secs. 3342e–3342m.)

To every mechanic, jeweler, watchmaker, or silversmith making, altering, or repairing any article of personal property. (Secs. 3343, 3346m.)

Persons furnishing material or labor for public improvements have a lien on the money, bonds, or warrants due the contractor. (Sec. 3347dd.)

To persons shoeing or causing to be shod any horse, mule, ox, or other animal. (Secs. 3347e–3347q.)

For work done or services rendered in building, repairing, fitting-out, furnishing, or equipping any ship, boat, or vessel. (Secs. 3348–3357.)

Wyoming.—To any mechanic, artisan, civil engineer, or laborer who shall make, alter, repair, or bestow labor on any article of personal property or upon the construction of any ditch, canal, or reservoir or appurtenances thereto. (C. S., secs. 3753 (amended 1913, ch. 100), 3757–3766.)

For labor in cutting or manufacturing railroad ties, wood, poles, or lumber. (Secs. 3767, 3768.)

To miners and other persons working in or on any ledge or lode of quartz bearing gold, silver, lead, cinnabar, or copper, or on any coal bank or mine, or doing assessment work thereon; or on or in any soda well or lake, oil well or spring; or laboring or furnishing materials for timbering shafts, erecting apparatus, etc., including hauling and transportation. (Secs. 3778–3798.)

To every mechanic or other person doing or performing any work, or labor, or furnishing materials, fixtures, or machinery for any building, erection, or improvement on land. (Secs. 3799–3820.)

To laborers and miners performing labor in opening or developing any coal mine, mining coal, and the like. (Acts of 1911, ch. 26, amended 1919, ch. 26.)

To mechanics, artisans, civil engineers, laborers, etc., doing work or furnishing material for the construction or repair of any ditch, canal, or reservoir. (Acts of 1917, ch. 54.)

To every person, firm, corporation, artisan, laborer, etc., doing work or furnishing material, fuel, etc., for constructing, altering, digging, drilling, operating, repairing, etc., gas, oil, or other wells, mines or quarries, oil derricks, tanks, or pipe lines. (Acts of 1919, ch. 128.)

PROTECTION OF WAGES OF EMPLOYEES, ETC., OF CONTRACTORS

Supplemental to the liens granted as set forth in the foregoing digest, a number of States provide for a form of protection of the wages due employees of contractors and of the amounts owing persons supplying materials, etc., to such contractors, which differs in some important respects from such liens.

This relates most frequently but not exclusively to public works, and requires that contractors shall, prior to entering upon the work, give a bond to the companies or officials with whom the contract is made. This is to run to the contracting company or official or board, or to the State, as the law may direct, and is for the use of persons claiming as laborers or material men to whom the contractor is indebted. These laws are quite uniform in their provisions and a single one will serve as a sufficient presentation of their form and scope. The law of the State of Washington relating to contracts for public works contains the customary provisions, except that in some States a special limitation is provided, while in others the general

law as to limitations of actions is relied on. The law of Washington follows:

WASHINGTON—CODES AND STATUTES

Security for wages of employees on public works—Contractors' bonds

SECTION 1159 (amended 1915, ch. 28). *Bond to be required.*—Whenever any board, council, commission, trustees or body acting for the State or any county or municipality or any public body shall contract with any person or corporation to do any work for the State, county or municipality, or other public body, city, town or district, such board, council, commission, trustees or body shall require the person or persons with whom such contract is made to make, execute and deliver to such board, council, commission, trustees or body a good and sufficient bond, with two or more sureties, or with a surety company as surety, conditioned that such person or persons shall faithfully perform all the provisions of such contract and pay all laborers, mechanics and subcontractors and material men, and all persons who shall supply such person or persons, or subcontractors, with provisions and supplies for the carrying on of such work, which bond shall be filed with the county auditor of the county where such work is performed or improvement made, except in cases of cities and towns, in which cases such bond shall be filed with the clerk or comptroller thereof, and any person or persons performing such services or furnishing material to any subcontractor shall have the same right under the provisions of such bond as if such work, services or material was furnished to the original contractor: *Provided, however*, That the provisions of this act shall not apply to any money loaned or advanced to any such contractor, subcontractor, or other person in the performance of any such work.

SEC. 1160. *Failure to require bond.*—If any board of county commissioners of any county or mayor and common council of any incorporated city or town, or tribunal transacting the business of any municipal corporation shall fail to take such bond as herein required, such county, incorporated city or town, or other municipal corporation, shall be liable to the persons mentioned in the last preceding section, to the full extent and for the full amount of all such debts so contracted by such contractor.

SEC. 1161 (amended 1915, ch. 28). *Amount; who may claim benefit; notice.*—The bond mentioned in section 1159 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Washington, except in cases of cities and towns, in which cases such municipalities may by general ordinance fix and determine the amount of such bond and to whom such bond shall run: *Provided*, That the same shall not be for a less amount than 25 per cent of the contract price of any such improvement, and may designate that the same shall be payable to such city, and not to the State of Washington, and all such persons mentioned in said section 1159 shall have a right of action in his, her, or their own name or names on such bond for work done by such laborers or mechanics, and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work, or the making of such improvements: *Provided*, That such persons shall not have any right of action on such bond for any sum whatever, unless within 30 days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer, or body acting for the State, county, or municipality, or other public body, city, town, or district, and laborer, mechanic, or subcontractor, or material man, or person claiming to have supplied materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees, or body acting for the State, county, or municipality, or other public body, city, town, or district, a notice in writing. * * *

Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice, after being presented and filed, shall be a public record open to inspection by any person, * * * . [Attorneys' fees may also be recovered on suits timely brought.]

The States having similar laws, as well as their application, are set forth below:

Arizona.—Street improvements, R. S., sec. 1962 (amended 1917, ch. 34.)
Arkansas.—Public works, churches, etc., Digest, secs. 6912–6916.

California.—Public works, acts of 1919, ch. 303; street improvements, acts of 1911, ch. 397 (amended, 1919, ch. 297); acts of 1919, ch. 322.

Colorado.—Public works, C. L., sec. 9514, acts of 1923, ch. 155; railroad, reservoir or irrigation construction (private companies or corporations), C. L. secs. 6481–6483.

Connecticut.—Railroad construction, G. S., sec. 3693.

Delaware.—Public works, acts of 1917, ch. 224.

District of Columbia.—Public works, acts of United States Congress, 1898–1899, ch. 218 (30 Stat. 906).

Florida.—Public works, R. G. S., sec. 3533.

Georgia.—Public buildings and works, acts of 1916, page 94.

Hawaii.—Public buildings and works, R. L., sec. 2673 (amended 1921, No. 55).

Idaho.—Public works, amount over $200, C. S., sec. 7341.

Indiana.—Public works and improvements, A. S., secs. 5897, 5899, 5901a, 5901b, acts of 1915, ch. 115, sec. 17.

Kansas.—Public works, G. S., secs. 7569, 7570; private contracts, sec. 7568.

Louisiana.—Any undertaking where the amount involved is $500 or over; acts of 1912, No. 167 (amended 1916, No. 262); drilling oil, gas, etc., wells, acts of 1916, No. 232; public works, acts of 1918, No. 224; buildings generally, acts of 1922, No. 139 (amended 1924, No. 230).

Maine.—Railroad construction, R. S., ch. 56, sec. 47.

Maryland.—Public works, acts of 1918, ch. 127.

Massachusetts.—Public works, G. L., ch. 30, sec. 39 (amended 1922, ch. 416); ch. 149, sec. 29.

Michigan.—Public works, C. L., secs. 14827–14830; railroad construction and repair, sec. 8336.

Minnesota.—Public works, G. S., sec. 8245 (amended 1923, ch. 373), 8246–8249; railroad construction or repair, secs. 6239, 6240.

Missouri.—Public works, R. S., secs. 1040, 1041, 10735.

Montana.—Public works, R. C., sec. 1686 (authorities to withhold 20 per cent to meet labor, etc., claims).

Nebraska.—Public works, C. S., sec. 3224.

Nevada.—Public buildings or structures when contract price is over $500, R. L. 1919, p. 2837 (acts of 1913, ch. 264).

New Jersey.—Public works, acts of 1918, ch. 75 (amended 1920, ch. 110).

New Mexico.—Public works, acts of 1923, ch. 136.

New York.—Canal construction, Con. L., ch. 5, sec. 145; ch. 59, sec. 57.

North Carolina.—Public works, Con. S., sec. 2445 (amended 1923, ch. 100).

North Dakota.—Public works, R. C., secs. 6252 (amended 1915, ch. 67), 6253–6255.

Ohio.—Public works, acts of 1915, p. 607 (sec. 126); 1917, p. 642.

Oklahoma.—Public works, R. L., secs. 3881, 3882.

Oregon.—Public works, Laws, secs. 2991, 6718 (amended 1923, ch. 24).

Pennsylvania.—Public works, Stats., secs. 15854, 15855, 19207 (amended 1921, No. 277).

South Dakota.—Public works, R. C., sec. 5885.

Tennessee.—Public works, Code, secs. 1135a–1135a-3 (amended 1923, ch. 121).

Texas.—Public buildings or works, acts of 1913, ch. 99.

Utah.—Public buildings or works, C. L., secs. 3753–3755.

Vermont.—Railroad construction, G. L., sec. 5153.

Washington.—Public works, C. and S., secs. 1159–1161 (amended 1915, ch. 28); acts of 1921, ch. 166 (directs authorities to withhold amounts to meet labor, etc., claims).

West Virginia.—Public works, Code Supp., sec. 3851k.

Wisconsin.—Public works, Statutes, sec. 3327a.

Wyoming.—Irrigation work and railroads, C. S., secs. 3823–3828; public works to an amount of $500, acts of 1919, ch. 137; acts of 1921, ch. 151 (directs publication of completion of public work; claims must be submitted within time fixed).

United States.—Public works, Comp. Stat., sec. 6923.

LIABILITY OF STOCKHOLDERS OF CORPORATIONS FOR WAGE DEBTS DUE EMPLOYEES

The following States make stockholders in the designated corporations liable for debts owed employees for labor:

Indiana.—Manufacturing and mining corporations, A. S., sec. 5105; railroad corporations, sec. 5322; union railroad corporations, sec. 5355; steam packet companies, sec. 5600; navigation companies, sec. 5614; street railway companies, sec. 5695.

Massachusetts.—Business and miscellaneous corporations generally, G. L., ch. 156, sec. 35; ch. 158, sec. 45.

Michigan.—Corporations and joint stock associations generally, Const., art. 12, sec. 4; acts of 1921, No. 84 (p. 151).

New York.—Stock companies generally, acts of 1923, ch. 787, sec. 71.

North Carolina.—Railroads and other carriers, Con. S., sec. 3426.

North Dakota.—Corporations engaged in mining, manufacturing, and industrial pursuits, R. C., sec. 4517.

Oklahoma.—Mining and manufacturing corporations, R. L., sec. 1362.

Pennsylvania.—Corporations generally, Statutes, sec. 5727; a number of classes of corporations are also designated in separate laws.

Tennessee.—Corporations generally, Code, sec. 2076a8. A number of classes of corporations are also designated in separate laws.

Wisconsin.—Every corporation other than railroads, Statutes, sec. 182.23.

ASSIGNMENT OF WAGES—WAGE BROKERS

A fairly standardized law specifically regulating the business of making loans on the security of wages to be earned subsequently to the contract is found in a few States. These are:

Colorado.—C. L., secs. 4246–4256.
Illinois.—R. S., ch. 32, secs. 218–230
Indiana.—A. S., secs. 7996–8001b.
Montana.—R. C., secs. 4173–4182.
New York.—Con. L., ch. 41, sec. 42 (am. 1911, ch. 626).
Texas.—Acts of 1915, ch. 28.

Fairly representative of the foregoing laws is that of Indiana, with the exception that the interest rate therein fixed is unusually low, as would appear from the analysis following the text of that statute, herewith reproduced.

INDIANA—ANNOTATED STATUTES

Assignment of wages—Wage brokers

SECTION 7996. *Definition.*—Any person, company, corporation, or association loaning money directly or indirectly to any employee or wage-earner upon the security of or in consideration of any assignment of the wages or salary of such employee or wage-earner, shall be defined and held to be a wage broker and subject to the provisions of this act.

SEC. 7997. *Assignments limited.*—No assignment of his or her wages or salary by any employee or wage-earner to any wage broker or any other person for his benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part of the wages or salary earned or to be earned during a period not exceeding thirty days immediately following the date of the assignment. Any assignment which shall be postdated or dated on any other date than that of its actual execution shall be void and of no effect for any purpose whatever.

SEC. 7998. *Rate of interest.*—No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage-earner in excess of the rate of eight per

cent per year, and said compensation or rate of interest shall be computed upon the amount actually advanced to and received by the borrower, and no commission, compensation or charges in addition to the interest above named shall be asked, demanded or received by said wage broker or any other person for making or securing said advancement or loan.

SEC. 7999. *Assignments by married men.*—No assignment of his wages or salary by a married man, who shall be the head of a family residing in this State, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgments of conveyances, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgment.

SEC. 8000. *Employer to have notice.*—No assignment of wages or salary shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignments, shall be given to the employer or debtor within ten days from the date of its execution.

SEC. 8001. *Status of purchased assignments.*—Every purchase of a wage broker of an assignment of the wages or salary of any employee or wage-earner shall be held and considered to be the loan in the sum and of the amount actually paid to and received by such employee or wage-earner.

SEC. 8001a. *Violations.*—Any person, company, corporation or association, or the officers, members, agents, or employees thereof, violating any or either of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall be liable to a fine in the sum of not less than twenty ($20) dollars nor more than one hundred ($100) dollars for each offense, or to imprisonment in the county jail for a period not to exceed ninety days, or both.

SEC. 8001b. *What notes, etc., void.*—Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker or any other person in violation of any of the provisions of this act shall be null and void and of no effect; and upon conviction, any and all moneys advanced or loaned by said wage broker in violation of any of the provisions of this act and all interest thereon shall be forfeited.

The assent of the wife is required in all the States named except Illinois and New York. All the laws likewise require that the employer receive notice of the assignment except in Illinois and Texas. The interest rate permitted is 2 per cent per month in Colorado, 3 per cent in Illinois, 12 per cent per year in Montana, 18 per cent in New York, and the amount contracted for in Texas.

Laws relating to the same subject but less detailed in their requirements are found in—

Kentucky.—Statutes, sec. 4758a (am. 1918, ch. 36.)
Maryland.—A. C., art. 8, secs. 11–17.
Massachusetts.—G. L., ch. 154.
Minnesota.—G. S., secs. 3858 (am. 1917, ch. 321), 3859–3861.
Rhode Island.—G. L., ch. 304, secs. 1–7.

These laws vary in form, but embody various details, as of statements of account, consent of employer and of sponse, limit of the term of the assignment and the proportion of wages assignable, the recording of assignments, etc.

Apparently coming into the field somewhat later, and of broader scope, is a uniform small-loans act, which covers personal loans, usually up to $300, for the security of which chattels or wages are mortgaged or assigned. Such laws have been enacted in—

Arizona.—Acts of 1919, ch. 91.
Colorado.—C. L., secs. 3781–3801.
Connecticut.—Acts of 1919, ch. 219 (am. 1923, ch. 223).
Georgia.—Acts of 1920, p. 215.
Illinois.—R. S., ch. 74, secs. 14–17.
Iowa.—Acts of 1921, ch. 35.

Maine.—Acts of 1917, ch. 298.
Maryland.—Acts of 1918, ch. 88 (am. 1924, ch. 115).
Michigan.—C. L., secs. 6031–6038.
New Jersey.—Acts of 1914, ch. 49.
Rhode Island.—Acts of 1923, ch. 2312.
Utah.—C. L., secs. 4380–4389.
Virginia.—Acts of 1918, ch. 402 (am. 1920, ch. 299).

These laws require the procuring of a license by persons, firms, or corporations desiring to engage in the business of making small loans; the giving of a bond running to the benefit of the person injured by violations of the law, etc., on the part of the office; and the giving of specific statements as to the loan and receipts of payments, quite similar to the wage-brokers' act. There is uniformly a specific reference to loans secured by the assignment of wages. Where the assignor is a married person, the assent of the spouse is required in the States named with the exception of Illinois. Notice must also be given to the employer except in Iowa and Utah; while in New Jersey the assignment is not valid until the employer accepts it.

Interest charges are limited to 3 per cent per month in Michigan for loans under $100 and 2 per cent per month for loans from $100 to $300; to 3 per cent in New Jersey and Utah, and to 3½ per cent in Arizona, Connecticut, Georgia, Illinois, Iowa, Maine, Maryland, Rhode Island, and Virginia; in the last-named State, however, a rate of 5 per cent may be charged on loans under $50. The rate in Colorado is 12 per cent per annum.

The amount collectible is limited in some States, the maximum being 10 per cent of the monthly wage in Arizona, Colorado, Connecticut, Georgia, Iowa, Maryland, Rhode Island, and Virginia, and 50 per cent in Illinois. It may be added that the small-loans act of Illinois is declared not to apply to loans made under the wage-brokers' act.

There is a third group of laws which regulate the assignment of wages as security for loans of a less uniform type and of rather more general application than the foregoing. The following are citations of these laws:

Minnesota.—G. S., secs. 5811, 5812.
Mississippi.—Acts of 1914, ch. 112.
Nebraska.—C. S., secs. 2459, 2845–2856.
New York.—Acts of 1914, ch. 518.
Ohio.—G. C., secs. 6346–1, 6346–10 (added 1911, p. 469; am. 1915, p. 281; 1917, p. 509; 1923, p. 209).
Tennessee.—Code, secs. 3522A– 3522A–14.

Like the small-loans act, the foregoing statutes cover loans on other security than wages, but all make specific mention of loans on wage security, and contain various provisions as to statements of account, consent of spouse, etc. In Minnesota, where the loan does not exceed $200 a rate of interest not to exceed 1 per cent per month may be charged. The Mississippi law is restrictive in the sense that where more than 20 per cent per annum is charged a license fee of $2,000 must be paid. The Nebraska statute permits the collection of 10 per cent per annum interest and a fee of 10 per cent of the loan. The laws of New York and Ohio limit the interest to 3 per cent per month, the latter also requiring a notice to the employer. In Tennessee an interest rate of 6 per cent is allowed, but a fee may be

charged for closing the transaction, ranging from 25 cents on loans of $5 or less to $1 on loans of from $25 to $60; 2 per cent may be charged on loans over $60. A fee may be charged not only for making the transaction but for each renewal, but no renewal may be made oftener than once in 30 days.

The amount collectible monthly under the contracts is limited to 10 per cent in New York and 50 per cent in Ohio.

The business of wage brokerage is taxed in Georgia (acts of 1918, p. 43) and Louisiana (acts of 1920, No. 233), but these acts contain no regulatory provisions.

EARNINGS OF MINORS

The individual earnings of minors may, by statute, be paid by the employer to the minor, unless the parent or guardian gives prior notice to the employer and makes claim for the wages, in the following jurisdictions:

California.—Civ. C., sec. 212.
Idaho.—C. S., secs. 4663, 4678.
Iowa.—Code, sec. 3191.
Kansas.—G. S., sec. 6360.
Minnesota.—G. S., sec. 3857.
Montana.—R. C., sec. 5849.
New York.—Con. L., ch. 14, sec. 72.
North Dakota.—R. C., sec. 4105.
Oklahoma.—R. L., sec. 4381.
Porto Rico.—R. S., sec. 3295.
South Carolina.—Civ. C., sec. 3788.
South Dakota.—R. C., sec. 197.
Utah.—C. L., sec. 3958.
Washington.—C. and S., sec. 5295.

The earnings of minor children are in general exempt from executions against the parents.

EARNINGS OF MARRIED WOMEN

The individual earnings of married women are by statute secured to their personal disposition and control in the following jurisdictions:

Alabama.—Code, sec. 8262.
Alaska.—C. L., sec. 490.
Arkansas.—Digest, secs. 5580, 5581.
California.—Civ. C., sec. 168.
Colorado.—C. L., sec. 5578.
Connecticut.—G. S., secs. 5274, 5278.
Delaware.—R. C., sec. 3059.
District of Columbia.—Code, sec. 1151.
Florida.—R. G. S., sec. 3952.
Georgia.—Const., art. 3, sec. 11.
Hawaii.—R. L., sec. 2952.
Idaho.—C. S., sec. 4667.
Illinois.—R. S., ch. 68, sec. 7.
Indiana.—A. S., sec. 7867.
Iowa.—Code, sec. 3162.
Kansas.—G. S., sec. 6163.
Maine.—R. S., ch. 66, sec. 3.
Maryland.—A. C., art. 45, sec. 1.
Massachusetts.—G. L., ch. 209, sec. 4.
Michigan.—C. L., sec. 11478.
Minnesota.—G. S., 1913, sec. 7143.

Missouri.—R. S., sec. 7328.
Montana.—R. C., secs. 5795, 5797.
Nebraska.—C. S., sec. 1511.
Nevada.—R. L., 1919, p. 2813 (sec. 2160).
New Hampshire.—P. S., ch. 176, sec. 1.
New Jersey.—C. S., p. 3225.
New Mexico.—A. S., sec. 2759.
New York.—Con. L., ch. 14, sec. 60.
North Carolina.—Const., art. 10, sec. 6; Con. S., sec. 2513.
North Dakota.—R. C., sec. 4082 (am. 1915, ch. 171).
Oklahoma.—R. L., sec. 3557.
Oregon.—Laws, sec. 9754.
Pennsylvania.—Statutes, sec. 14574.
Porto Rico.—Civ. C., sec. 1314.
Rhode Island.—G. L., ch. 290, sec. 1.
South Carolina.—Civ. C., sec. 3759.
South Dakota.—Const., art. 21, sec. 5; R. C., sec. 175.
Tennessee.—Code, secs. 4247a, 4247a1, 4249a.
Texas.—R. C. S., sec. 4622 (am. 1913, ch. 32).
Utah.—C. L., sec. 2986.
Vermont.—G. L., sec. 3524.
Virginia.—Code, sec. 5134.
Washington.—C. and S., sec. 5920.
West Virginia.—Code, sec. 3680.
Wisconsin.—Statutes, sec. 2343.
Wyoming.—C. S., sec. 3912.

SUNDAY LABOR

All the States and Territories, with the exception of the District of Columbia and the Philippine Islands, have legislation prohibiting various kinds of work on Sunday, though the observance of another day of the week usually secures exemption. Arizona and Oregon confine their laws to the trade of barbering; but the laws generally prohibit "laboring at any trade or calling or employing apprentices or servants in labor or other business, except in household or other work of necessity or charity," or make like provision, with exceptions as to the operation of street railways, railroad trains carrying passengers or perishable goods, and usually the sale of newspapers, drugs, tobacco, milk, ice, and the like. In a few States, however, all such sales are illegal; train movements are also limited in some.

Laws forbidding Sunday labor have been condemned as a violation of the principle of religious freedom (Ex parte Newman (1858), 9 Calif. 502); but they are now universally upheld as being rather social and economic in their effect and a valid expression of public policy with regard to the well-being and general welfare of persons within the State (Hennington *v.* Georgia (1896), 163 U. S. 299, 16 Sup. Ct. 1086). Laws singling out special places of employment, as barber shops or bakeries, have been held discriminatory and invalid (City of Marengo *v.* Rowland (1914), 263 Ill. 531, 105 N. E. 285 (barbers); Ex parte Westerfield (1880), 55 Calif. 550, 36 Am. Rep. 47 (bakeries)).

The restriction of the operation of freight trains generally is not such an interference with interstate commerce as to be outside the power of a State legislature (Hennington *v.* Georgia, supra), though but few States have laws with this provision.

Following are the citations of Sunday labor laws in the various jurisdictions:

Alabama.—Code, sec. 5539.
Alaska.—C. L., sec. 2021.
Arizona.—Acts of 1915, ch. 56 (barbers only).
Arkansas.—Digest, secs. 2732–2735.
Colorado.—C. L., secs. 6904, 6920, 6921.
Connecticut.—G. S., secs. 3755–3757, 3869, 6450–6453.
Delaware.—R. C., secs. 932, 4784.
Florida.—R. G. S., secs. 5491–5493.
Georgia.—Penal Code, secs. 414 (am. 1911, p. 70; 1921, p. 120), 416.
Hawaii.—R. L., secs. 4191 (am. 1915, No. 19), 4193, 4194.
Idaho.—C. S., secs. 8291, 8292 (am. 1921, ch. 260), 8293.
Illinois.—R. S., ch. 38, sec. 261.
Indiana.—A. S., sec. 2364.
Iowa.—Code, sec. 5040.
Kansas.—G. S., secs. 3661–3665.
Kentucky.—Statutes, secs. 1321, 1322.
Louisiana.—R. L., p. 234; acts of 1918, No. 146.
Maine.—R. S., ch. 126, secs. 35, 38.
Maryland.—A. C., art. 27, sec. 436.
Massachusetts.—G. L., ch. 136, secs. 5–7, 12, 19, 20.
Michigan.—C. L., secs. 7764, 7765, 7769, 7771–7773.
Minnesota.—G. S., secs. 8752–8754.
Mississippi.—Code, secs. 1366, 1367.
Missouri.—R. S., secs. 3596, 3597.
Montana.—R. C., secs. 11040, 11041.
Nebraska.—C. S., secs. 9795, 9797.
Nevada.—R. L., 1919, p. 2641.
New Hampshire.—P. S., ch. 271, secs. 3, 5, 10, 13.
New Jersey.—C. S., p. 5712, secs. 1–4, 13, 33, 34; acts of 1914, ch. 252, sec. 9 (am. 1919, ch. 36).
New Mexico.—A. S., secs. 1789, 1790.
New York.—C. L., ch. 40, secs. 2142–2144, 2146, 2153; acts of 1921, ch. 50, sec. 161.
North Carolina.—C. S., secs. 3480, 3481, 3955.
North Dakota.—R. C., secs. 8567–8572, 8574, 8577 (am. 1917, ch. 222).
Ohio.—G. C., secs. 13044, 13045, 13047.
Oklahoma.—R. L., secs. 2405 (am. 1913, ch. 204), 2406.
Oregon.—Laws, secs. 2126, 2127 (barbers only).
Pennsylvania.—Statutes, sec. 20252.
Porto Rico.—R. S., secs. 6004 (am. 1914, No. 24; 1917, No. 26), 6007.
Rhode Island.—G. L., ch. 399, secs. 18–21.
South Carolina.—Code, secs. 3210, 3211 (am. 1912, No. 327), 3212, 3213; Crim. C., secs. 698, 701.
South Dakota.—R. C., secs. 3846–3851, 3854.
Tennessee.—Code, secs. 3029, 3030.
Texas.—R. C. S., arts. 299–303.
Utah.—C. L., secs. 8129, 8130, 8133, 8134.
Vermont.—G. L., secs. 7097 (am. 1921, No. 215), 7098.
Virginia.—A. C., secs. 4570–4575; acts of 1920, No. 251.
Washington.—C. and S., secs. 2494, 2496, 2917.
West Virginia.—Code, secs. 5321, 5322.
Wisconsin.—Statutes, secs. 4595, 4595d, 4595da, 4595e, 4596.
Wyoming.—C. S., sec. 5980.
United States.—C. S., secs. 7199, 7239, 7239a (Postal Service).

LEGAL HOLIDAYS IN THE STATES AND TERRITORIES

The following statement shows the days which, besides Sunday, have been appointed as legal holidays by the legislatures of the various States, Territories, etc., and by the United States Congress for the District of Columbia:

January 1—New Year's Day.—All jurisdictions.
January 8—Anniversary of the Battle of New Orleans.—Louisiana.

January 19—Lee's Birthday.—Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.[1]

February 12—Lincoln's Birthday.—Alaska, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri,[2] Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Washington, West Virginia, and Wyoming.

February 14—Admission Day.—Arizona.

February 22—Washington's Birthday.[3]—All jurisdictions.

March 2—Anniversary of Texan Independence.—Texas.

March 4.—Inauguration Day.—District of Columbia.[4]

March 22—Emancipation Day.—Porto Rico.

March 25—Maryland Day.—Maryland.

March 30—Seward's Day.—Alaska.

April 12—Halifax Resolutions Day.—North Carolina.

April 13—Thomas Jefferson's Birthday.—Alabama.

April 19—Patriots' Day.—Maine and Massachusetts.

April 21—Anniversary of the Battle of San Jacinto.—Texas.

April 26—Confederate Memorial Day.—Alabama, Florida, Georgia, and Mississippi.

May 10—Confederate Memorial Day.—North Carolina and South Carolina.

May 20—Anniversary of the Mecklenburg Declaration of Independence.—North Carolina.

May 30—Decoration or Memorial Day.—Alaska, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada,[5] New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Philippine Islands, Porto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming.

May 30—Confederate Memorial Day.—Virginia.

June 3—Confederate Memorial Day.—Louisiana, Tennessee, and Texas.

June 3—Davis's Birthday.—Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, and Virginia.

June 11—Anniversary of the union of Hawaiian Islands by Kamehameha I, 1795.—Hawaii.

June 15—Pioneer Day.—Idaho.

July 4—Independence Day.—All jurisdictions.

July 13—General Forrest's Birthday.—Tennessee.

July 17—Luis Munoz Rivera's Birthday.—Porto Rico.

July 24—Pioneer Day.—Utah.

July 25—Anniversary of the Landing of American Troops.—Porto Rico.

July 27—Dr. José Celso Barbosa's Birthday.—Porto Rico.

August 1—Colorado Day.—Colorado.

August 13—Assumption Day.[6]—Philippine Islands.

August 16—Bennington Battle Day.—Vermont.

September 9—Admission Day.—California.

September 12—Defenders' Day.—Maryland.

October 12—Columbus Day.—Arizona, Arkansas,[2] California, Colorado,[2] Connecticut, Delaware, Idaho, Illinois, Indiana, Kansas,[2] Kentucky, Louisiana, Maryland, Massachusetts, Missouri,[2] Montana, Nebraska, Nevada,[5] New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Porto Rico, Rhode Island, Vermont, Texas, Utah, Washington, and West Virginia.

October 18—Alaska Day.—Alaska.

October 31—Admission Day.—Nevada.[5]

October—Second Thursday—*Fraternal Day.*—Alabama.

October—Second Friday—*Farmers' Day.*—Florida.

November 1—All Saints' Day.—Louisiana.

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[1] Lee-Jackson Day.

[2] Does not affect commercial paper or the making or executing of agreements in writing or interfere with judicial proceedings.

[3] Also designated Arbor Day in Texas.

[4] Every fourth year.

[5] Nonjudicial day.

[6] Commemorates the surrender of the city of Manila to the American forces.

November 11—Armistice Day.—Alabama, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Tennessee, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, Wyoming.

November 30—Bonifacio Day.—Philippine Islands.

December 25—Christmas Day.—All jurisdictions.

December 30—Rizal Day.—Philippine Islands.

Arbor day.[7]—Arizona,[8] Nebraska,[9] Rhode Island,[10] Utah,[11] and Wyoming.[12]

Fast Day (whenever appointed).—California, Colorado, Connecticut, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Porto Rico, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, and Virginia.

General election days.—Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada,[5] New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio,[13] Oklahoma, Oregon, Pennsylvania, Philippine Islands, Porto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Primary election days.—California, Hawaii, Nevada,[5] Missouri, South Dakota, and Wisconsin.

Good Friday.—Delaware, Florida, Louisiana, Maryland, Minnesota, New Jersey, Pennsylvania, Philippine Islands, Porto Rico, and Tennessee.

Labor Day—May 1.—Philippine Islands. *Day set by governor*—Wisconsin and Wyoming. *The first Monday in September*—All other jurisdictions.

Mardi Gras.—Alabama, Florida,[14] and Louisiana.[15]

Saturdays after 12 o'clock noon.—Colorado,[16] Delaware,[17] District of Columbia, Illinois,[18] Louisiana,[19] Maine, Maryland,[20] Michigan, Missouri,[21] New Jersey, New York, Pennsylvania, South Carolina,[22] Tennessee, and Virginia.[23]

Thanksgiving Day (Whenever appointed).[24]—All jurisdictions.

Regatta Day—Third Saturday in September.—Hawaii.

Thursday of Fair Week.—South Carolina.[25]

Thursday of Holy Week.—Philippine Islands.

RAILROADS

State laws affecting railroad operations must of necessity be considered in their relation to Federal legislation in this field, since the power of Congress to legislate as to interstate commerce is para-

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[5] Nonjudicial day.

[7] Other States also provide by law for an arbor day, but do not make it a legal holiday, except in a few cases for school children.

[8] The first Friday after the first day of February in some counties, and the first Friday after the first day of April in others.

[9] April 22.

[10] Second Friday in May.

[11] April 15.

[12] Day to be set by governor.

[13] Afternoon only.

[14] In cities or towns wherein there are carnival associations.

[15] In the Parish of Orleans.

[16] Cities of 25,000 population or over, during the months of June, July, and August.

[17] Applies only to Newcastle and Kent counties. In the city of Wilmington the law applies every Saturday in the year, in the rest of the county only from June to September, inclusive.

[18] In cities of 200,000 inhabitants or over.

[19] Cities and towns of over 10,000 population.

[20] In Baltimore, Annapolis, Baltimore County, Harford County, and Montgomery County.

[21] Cities of over 300,000 population.

[22] In Charleston and Richland Counties only.

[23] Cities and counties of the first class.

[24] In Mississippi, the last Thursday in November.

[25] In counties where the State Agricultural and Mechanical Society holds an annual fair.

mount.[1] This fact gives to State laws a sort of existence on sufferance, in so far as their application goes to affect interstate commerce, whether the subject be one of equipment or construction of tracks, rolling stock, etc., or of terms or conditions of employment. They are valid where not in conflict with Federal laws, but can not piece out such legislation in an occupied field.[2] The controlling status of Federal legislation occasions its publication at length; while State laws on the same or correlative subjects are abridged or summarized. State laws affecting local conditions, as bridges and wires over tracks, structures near tracks, shelters for workmen, etc., appear in Part II of this compilation, as do laws as to qualifications of employees on railroads, interfering with employment, etc.

SAFETY APPLIANCES

The safety appliance laws of the United States are shown as printed in the Compiled Statutes, 1916–1923:

UNITED STATES—COMPILED STATUTES, 1916–1923

Railroads—Safety appliances, etc.

(Acts of March 2, 1893, April 1, 1896, March 2, 1903, May 30, 1908, April 14 and May 6, 1910, February 17 and March 4, 1911, March 4, 1915, June 26, 1918, June 7, 1924.)

SECTION 8605. *Power brakes.*—From and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train-brake system, or to run any train in such traffic after said date that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakemen to use the common hand brake for that purpose.

SEC. 8606. *Automatic couplers.*—On and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any car used in moving interstate traffic not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

The benefits of this section are not restricted to employees engaged in coupling or uncoupling cars, but reach to any employee who is injured in the scope of his duty by reason of defects in the prescribed equipment. Chicago Junction R. Co. *v.* King, 169 Fed. 372.

The statute requires both ends of a car to be equipped with effective couplers, and the fact that a defective coupler was in contact with an effective one so that couplings could be made from one side of the train but not the other does not relieve the company of its liability to a penalty. Central Vermont R. Co. *v.* U. S., 205 Fed. 40.

SEC. 8607. *Cars without equipment.*—When any person, firm, company, or corporation engaged in interstate commerce by railroad shall have equipped a sufficient number of its cars so as to comply with the provisions of section one of this act, it may lawfully refuse to receive from connecting lines of road or shippers any cars not equipped sufficiently, in accordance with the first section of this act, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this act.

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[1] "The relative supremacy of the State and national power need not be commented upon. Where there is a conflict the State legislation must give way. Indeed, when Congress acts in such a way as to manifest its purpose to exercise its constitutional authority the regulating power of the State ceases to exist." Erie R. Co. *v.* New York (1914), 233 U. S. 671, 34 Sup. Ct. 756.

[2] Northern Pacific R. Co. *v.* Washington (1912), 222 U. S. 370, 32 Sup. Ct. 1601; Erie R. Co. *v.* New York, supra; Southern R. Co. *v.* Railroad Commission (1915), 236 U. S. 439, 35 Sup. Ct. 304 (see p. 76).

SEC. 8608. *Grab irons.*—From and after the first day of July, eighteen hundred and ninety-five, until otherwise ordered by the Interstate Commerce Commission, it shall be unlawful for any railroad company to use any car in interstate commerce that is not provided with secure grab irons or handholds in the ends and sides of each car for greater security to men in coupling and uncoupling cars.

SEC. 8609. *Height of drawbars.*—Within ninety days from the passage of this act the American Railway Association is authorized hereby to designate to the Interstate Commerce Commission the standard height of drawbars for freight cars, measured perpendicular from the level of the tops of the rails to the centers of the drawbars, for each of the several gauges of railroads in use in the United States, and shall fix a maximum variation from such standard height to be allowed between the drawbars of empty and loaded cars. Upon their determination being certified to the Interstate Commerce Commission, said Commission shall at once give notice of the standard fixed upon to all common carriers, owners, or lessees engaged in interstate commerce in the United States by such means as the Commission may deem proper. But should said association fail to determine a standard as above provided, it shall be the duty of the Interstate Commerce Commission to do so, before July first, eighteen hundred and ninety-four, and immediately to give notice thereof as aforesaid, And after July first, eighteen hundred and ninety-five, no cars either loaded or unloaded, shall be used in interstate traffic which do not comply with the standard above provided for.

This section is constitutional. The duty of maintaining the couplers in the prescribed condition is an absolute one, which can not be discharged by the use merely of reasonable care or by its delegation to competent persons. St. Louis, I. M. & S. R. Co. *v.* Taylor, 210 U. S 281, 28 Sup. Ct. 616.

SEC. 8610 (as amended by act of April 1, 1896). *Penalty.*—Any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge: *Provided*, That nothing in this act contained shall apply to trains composed of four-wheel cars or to trains composed of eight-wheel standard logging cars where the height of such car from top of rail to center of coupling does not exceed twenty-five inches, or to locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs.

SEC. 8611. *Extension of time.*—The Interstate Commerce Commission may from time to time upon full hearing and for good cause extend the period within which any common carrier shall comply with the provisions of this act.

SEC. 8612. *Employees do not assume risk, when.*—Any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provisions of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge.

Courts will take official cognizance of the effect of this statute, though the plaintiff in no way indicates that he relies on it for recovery. Couplers which have become worn and inoperative are not a compliance with the requirements of this act, though of proper form and style. A car designed for use in interstate traffic, though empty, is within the provisions of the statute. Voelkin *v.* Chicago, M. & St. P. R. Co., 116 Fed. 867.

Failure by a railroad company to equip its cars with couplers as required by this statute is negligence per se, and the defense of contributory negligence can not be made against an employee injured because of such failure, even if the employee was thus negligent; and an employee remaining in service does not assume the risk. Greenlee *v.* Southern R. Co., 122 N. C. 977, 30 S. E. 115.

A locomotive is a car requiring automatic couplers under this statute. Not only must the couplers provided work automatically with others of the same make, but the different kinds used must couple automatically one with another. Johnson *v.* Southern Pac. Co., 196 U. S. 1, 25 Sup. Ct. 158.

The purpose of this act is to promote a high degree of care and diligence for the protection of employees. Knowledge is not an element of an offense. United States *v.* Chicago, B. & Q. R. Co., 156 Fed. 180.

SEC. 8613. *Application of law of 1893.*—The provisions and requirements of * * * [secs. 8605–8612], shall be held to apply to common carriers by railroads in the Territories and the District of Columbia, and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type; and the provisions and requirements hereof and of said acts relating to train brakes, automatic couplers, grab irons, and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce, and in the Territories and the District of Columbia, and to all other locomotives, tenders, cars, and similar vehicles used in connection therewith, excepting those trains, cars, and locomotives exempted by the provisions of section * * * [8610], or which are used upon street railways.

SEC. 8614. *Fifty per cent of cars to be equipped.*—Whenever, as provided in said act, any train is operated with power or train brakes, not less than fifty per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked cars in such train which are associated together with said fifty per centum shall have their brakes so used and operated; and, to more fully carry into effect the objects of said act, the Interstate Commerce Commission may, from time to time, after full hearing, increase the minimum percentage of cars in any train required to be operated with power or train brakes which must have their brakes used and operated as aforesaid; and failure to comply with any such requirements of the said Interstate Commerce Commission shall be subject to the like penalty as failure to comply with any requirement of this section.

SEC. 8615. *Act construed.*—The provisions of this act shall not take effect until September first, nineteen hundred and three. Nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States district attorney from any of the provisions, powers, duties, liabilities, or requirements of said act * * * [secs. 8605–8612]; and all of the provisions, powers, duties, requirements and liabilities of said act * * * shall, except as specifically amended by this act, apply to this act.

SEC. 8616. * * * *Mail cars.*—Hereafter all inspectors employed for the enforcement of said act [secs. 8605–8612] shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster General.

SEC. 8617. *Application of law.*—The provisions of this act [secs. 8617–8623] shall apply to every common carrier and every vehicle subject to the act * * * [secs. 8605–8612].

SEC. 8618. *Equipment required.*—On and after July first, nineteen hundred and eleven, it shall be unlawful for any common carrier subject to the provisions of this act to haul, or permit to be hauled or used on its line any car subject to the provisions of this act not equipped with appliances provided for in this act, to wit: All cars must be equipped with secure sill steps and efficient hand brakes; all cars requiring secure ladders and secure running boards shall be equipped with such ladders and running boards, and all cars having ladders shall also be equipped with secure handholds or grab irons on their roofs at the tops of such ladders: *Provided*, That in the loading and hauling of long commodities, requiring more than one car, the hand brakes may be omitted on all save one of the cars while they are thus combined for such purpose.

SEC. 8619. *Number, style, etc., of appliances.*—Within six months from the passage of this act the Interstate Commerce Commission, after hearing, shall designate the number, dimensions, location, and manner of application of the appliances provided for by section two of this act and section four of the act of March second, eighteen hundred and ninety-three, and shall give notice of such designation to all common carriers subject to the provisions of this act by such means as the commission may deem proper, and thereafter said number, location, dimensions, and manner of application as designated by said commission shall remain as the standards of equipment to be used on all cars subject to the provisions of this act, unless changed by an order of said Interstate Commerce Commission, to be made after full hearing and for good cause shown; and

failure to comply with any such requirement of the Interstate Commerce Commission shall be subject to a like penalty as failure to comply with any requirement of this act: *Provided*, That the Interstate Commerce Commission may, upon full hearing and for good cause, extend the period within which any common carrier shall comply with the provision of this section with respect to the equipment of cars actually in service upon the date of the passage of this act. Said commission is hereby given authority, after hearing, to modify or change, and to prescribe the standard height of drawbars and to fix the time within which such modification or change shall become effective and obligatory, and prior to the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard now fixed or the standard so prescribed, and after the time so fixed it shall be unlawful to use any car or vehicle in interstate or foreign traffic which does not comply with the standard so prescribed by the commission.

SEC. 8621. *Violations.*—Any common carrier subject to this act using, hauling, or permitting to be used or hauled on its line, any car subject to the requirements of this act not equipped as provided in this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered as provided in section six of the act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six: *Provided*, That where any car shall have been properly equipped, as provided in this act and the other acts mentioned herein, and such equipment shall have become defective or insecure while such car was being used by such carrier upon its line of railroad, such car may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car can be repaired, without liability for the penalties imposed by section four of this act or section six of the act of March second, eighteen hundred and ninety-three as amended by the act of April first, eighteen hundred and ninety-six, if such movement is necessary to make such repairs and such repairs can not be made except at such repair point; and such movement or hauling of such car shall be at the sole risk of the carrier, and nothing in this section shall be construed to relieve such carrier from liability in any remedial action for the death or injury of any railroad employee caused to such employee by reason of or in connection with the movement or hauling of such car with equipment which is defective or insecure or which is not maintained in accordance with the requirements of this act and the other acts herein referred to; and nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead of drawbars, in revenue trains or in association with other cars that are commercially used, unless such defective cars contain live stock or "perishable" freight.

SEC. 8622. *Construction of act.*—Except that, within the limits specified in the preceding section of this act, the movement of a car with defective or insecure equipment may be made without incurring the penalty provided by the Statutes, but shall in all other respects be unlawful, nothing in this act shall be held or construed to relieve any common carrier, the Interstate Commerce Commission, or any United States attorney from any of the provisions, powers, duties, liabilities, or requirements of said act * * * [secs. 8605–8612]; and, except as aforesaid, all of the provisions, powers, duties, requirements, and liabilities of said act * * * shall apply to this act.

SEC. 8623. *Enforcement.*—It shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore granted to said commission are hereby extended to it for the purpose of the enforcement of this act.

SEC. 8624. *Ash pans.*—On and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic, not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

SEC. 8625. *For use in Territories, etc.*—On and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive.

SEC. 8626. *Violations.*—[Violations are punishable by a fine of $200, suit to be brought by the United States district attorney. Interstate Commerce Commission to give notice of violations coming to its knowledge.]

SEC. 8627. *Enforcement.*—It shall be the duty of the Interstate Commerce Commission to enforce the provisions of this act, and all powers heretofore

granted to said Commission are hereby extended to it for the purpose of the enforcement of this act.

SEC. 8628. *Definition.*—The term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8629. *Application.*—Nothing in this act contained shall apply to any locomotive upon which, by reason of the use of oil, electricity, or other such agency, an ash pan is not necessary.

SEC. 8630 (as amended June 7, 1924). *Scope of law.*—When used in this act [secs. 8630–8638] the terms "carrier" and "common carrier" mean a common carrier by railroad, or partly by railroad and partly by water, within the continental United States, subject to the Interstate Commerce Act, as amended, excluding street, suburban, and interurban electric railways unless operated as a part of a general railroad system of transportation. The term "railroad" as used in this act shall include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease, and the terms "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 8631 (as amended June 7, 1924). *Boilers, etc., to be safe.*—It shall be unlawful for any carrier to use or permit to be used on its line any locomotive unless said locomotive, its boiler, tender, and all parts and appurtenances thereof are in proper condition and safe to operate in the service to which the same are put, that the same may be employed in the active service of such carrier without unnecessary peril to life or limb, and unless said locomotive, its boiler, tender, and all parts and appurtenances thereof have been inspected from time to time in accordance with the provisions of this act and are able to withstand such test or tests as may be prescribed in the rules and regulations hereinafter provided for.

SECS. 8632–8638 (as amended June 7, 1924). *Inspectors.*—[The President appoints a chief inspector of locomotive boilers and two assistant chiefs, the former at $6,000 and the latter at $5,000 each per year. These supervise the activities of not more than 65 inspectors appointed by the Interstate Commerce Commission from registers made up of persons who have passed examinations held by the Civil Service Commission. Such inspectors are assigned to districts by the chief inspector and receive a salary of $3,600, traveling expenses, and not over $1,000 per annum for office rent, clerical assistance, etc. District inspectors must become familiar, so far as practicable, with the condition of each locomotive boiler ordinarily housed or repaired in his district; and if any boiler or apparatus is found not to conform to the requirements of the law or of the rules and regulations approved by the chief inspector and the Interstate Commerce Commission, the carrier must be notified and its use discontinued, unless on appeal to the chief inspector a reexamination discloses the boiler to be in a serviceable condition.

In case of serious injury or death due to the failure of a locomotive boiler or its appurtenances, an immediate report in writing must be made, and the facts investigated and reported to the chief inspector. The chief inspector makes annual reports of the work done.]

SECS. 8642–8647. *Reports of accidents.*—[The general manager or other proper officer of railroads in interstate commerce must report monthly to the Interstate Commerce Commission all accidents resulting in injury to persons, equipment, or roadbed. The commission has authority to investigate such accidents, and may publish reports thereon, with such recommendations as it deems proper. Neither the reports of accidents nor of the investigation shall be received as evidence in any action for damages.]

Laws of several States cover many if not all the points named in the Federal statutes, while matters of detail are added in a number of cases, notably as regards locomotives. Some of these relate to the physical comfort of engineers and firemen rather than to personal or public safety, but all are brought together as showing the extent to which train equipment has been the subject of statutory regulation. Headlights on locomotives and switch lights are matters of interest to the public as well as to employees; while the blocking of frogs or switch points to prevent the catching of feet therein is directed mainly to the protection of employees.

The subjects covered by the various States in this field are noted below.

Alabama.—Locomotives must have headlights of 1,500 candlepower. (Code, secs. 5349, 9963.)

Arizona.—Locomotives which permit steam to escape so as to obstruct the view of its operators may not be used. (R. S. sec. 2165.) Electric headlights of 1,500 candlepower are required. (Secs. 2169, 2170.)

Arkansas.—Locomotives are required to have electric headlights, 1,500 candlepower. (Digest, sec. 8493.)

Switch lights required. (Sec. 8496.)

Locomotives of "Wooton fire-box type," or "Mother Hubbard," or "Double cab," or "Camelback" type must permit the fireman and engineer to work at all times under the same roof of cab, roof not to be over 14 feet long and to cover deck or gangway. (Secs. 8587, 8588.)

California.—Locomotives to have headlights capable of disclosing a dark object the size of a man at 800 feet on a dark clear night, engine running 30 miles per hour. (Acts of 1913, ch. 284.)

Equipment with water glasses of the "solid water glass" type required. (Acts of 1915, ch. 499.)

Handrails are required along the top of each side of engine cabs, extending from front to rear; also footboards if there are not front windows at least 14 by 42 inches. (Acts of 1921, ch. 900.)

On locomotives of the Vanderbilt or similar types of construction, where the clearance between the roof of the engine cab and the tender is less than 28 inches, there must be an opening, not less than 24 inches square, in the cab roof of the tender. (Acts of 1921, ch. 902.)

Colorado.—Switch lights must be provided at all switches connecting with a main line. (C. L., sec. 2882.)

Switch rails, frogs, etc., are required to be safely and securely blocked. (Sec. 2885.)

Headlights of not less than 1,200 candlepower must be supplied on locomotives used at night. (Sec. 2887.)

Connecticut.—Freight cars must be equipped with safety couplers of a type and hung at a height approved by the commission. (G. S., secs. 3768, 3770.)

Delaware.—Passenger trains must be equipped with air brakes under the control of the engineer. (R. C., secs. 2038, 2039.)

Florida.—Locomotives must be equipped with headlights of not less than 1,500 candlepower. (R. G. S., sec. 4531.)

Georgia.—Locomotives used after dark must have headlights consuming not less than 300 watts at the arc, with a reflector not less than 23 inches in diameter, tramroads, mill roads, and railroads engaged principally in lumber and logging transportation excepted. (Civil Code, secs. 2697, 2698.)

Automatic doors must be provided on locomotives of 125,000 pounds weight or over, other than those used on logging or tram roads. (Acts of 1924, p. 173.)

Illinois.—Inspectors of automatic couplers must inspect the couplers, power brakes, and grab irons or handholds and other portions

of cars and engines used on railroads. Power driving-wheel brakes under the control of the engineer must be installed, and automatic couplers provided. Grab irons or handholds must be furnished on locomotives, cars, etc., and drawbars placed at a prescribed height. (R. S., ch. 114, secs. 222–232.)

Indiana.—Switch engines must be equipped with footboards, headlights, and grab irons at both ends. (A. S., secs. 5277a–5277b.)

Ash pans which can be emptied and cleaned without requiring employees to go under the locomotive must be provided, except on engines using oil, electricity, etc. (Secs. 5277d–5277h.)

Automatic doors must be provided for the fire boxes of steam locomotives, capable of operation by the use of a push button or other appliance. (Sec. 5277i.)

Locomotive road engines must have both front windows in the cabs equipped with storm windows so as to permit a clear and unobstructed view under all climatic conditions. (Sec. 5277k.)

A boiler inspector is to be appointed, charged with the inspection, under the direction of the railroad commission, of any locomotive boiler or boilers. If found unsafe or inconvenient for operation, locomotives must not be used until repaired. Standard construction, equipment, and arrangement are prescribed; and engineers are required to report defective construction or conditions. (Secs. 5277n–5277u.) Power driving-wheel brakes, automatic couplers, grab irons on the sides and ends of locomotives, cars, and tenders, and drawbars at a prescribed height are required. Street railroads and interurban and suburban roads are excluded from these provisions. (Secs. 5278–5282.)[1]

Motor cars on interurban railways operated by electric power must be supplied with power air brakes under the control of the motorman. At least 50 per cent of the cars must also be supplied with an approved system of air brakes, while on steam roads 75 per cent of the freight and passenger cars must be so equipped. These percentages may be increased for good cause shown by the railroad commission. (Secs. 5283–5287.)

The railroad commission may investigate the construction of locomotive engines, which must be so built as to permit the engineer and fireman to be in plain view and sight of each other at all times, without intervening obstruction by machinery, partitions, or appliances. There must also be a clear and unobstructed view ahead from the front cab windows; while the tank and tender of switch engines must be so constructed as to permit a clear view along the track both front and rear. (Secs. 5533a–5533d.)

The commission may also investigate the construction and efficiency of locomotive headlights, prescribing a standard equipment and requiring its adoption. (Sec. 5533f.)

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[1] The State courts have held this law as not an interference with the power of Congress to regulate interstate commerce, but as merely imposing an additional penalty for lack of equipment which the Federal law requires. (Southern Ry. *v.* Indiana, 100 N. E. 337.) This case was taken to the Supreme Court, where it was held that although the freight movement in the case was entirely between points wholly within the State of Indiana, the railroad was one engaged in interstate commerce, so that the Federal statutes applied. The State decision was therefore reversed, because when Congress acts such action "is exclusive, and ipso facto supersedes existing State legislation on the same subject." (Southern Ry. Co. *v.* Railroad Commission, 236 U. S. 439, 35 Sup. Ct. 304.)

Iowa.—Cars must be equipped with safety automatic couplers and with power brakes under the control of the engineer. (Code of 1897, Supp. 1913, secs. 2079–2082.)

Locomotives in use in switching or yard service must be equipped with headlights, front and rear, and with substantial and secure footboards and grab rails of convenient height. (Sec. 2083c.)

Engine cabs in use between November 1 and April 1 must have frost glass in front of the seats of the engineer and fireman, the same to be not less than 8 inches in width and 18 inches in length. (Sec. 2083e.)

Locomotive headlights must be such as to enable operatives to plainly discern an object the size of a man lying on the track at a distance of 1,100 feet in clear weather. Engines operated exclusively for switching purposes or for daytime use are not covered. (Sec. 2083g.)

Kansas.—Frogs, switches, and guard rails must be filled, blocked, and guarded "in a practical manner" to guard against injury to employees. (G. S. sec. 8503.)

Locomotive headlights must be such as to render plainly visible at a distance of 800 feet the figure of a man on or adjacent to the track; switching engines are excepted. (Sec. 8515.)

Kentucky.—Passenger trains must be supplied with air brakes or equally effective appliances under the control of the engineer. (Statutes, sec. 778.)

Frogs must be blocked to prevent the feet of employees from being caught therein. (Sec. 780.)

Louisiana.—All railroads other than logging or plantation roads must fill or block angles in frogs and crossings and in yards, etc., so as to prevent the feet of employees and others being caught therein. (Acts of 1912, No. 177.)

Maine.—Filling or blocking of frogs and guard rails is required. (R. S., ch. 57, sec. 75.)

Massachusetts.—Frogs, switches, and guard rails must be blocked by a method approved by the Department of Public Safety. (G. L., ch. 160, sec. 133.)

Brakes must be supplied on all passenger cars and freight cars except four-wheeled cars. Locomotives must be equipped with power driving-wheel brakes and appliances to operate the train-brake system. (Ch. 160, secs. 154, 155.)

Freight cars must be equipped with automatic couplers, also with grab irons or handholds, with the exception of flat cars. The height of drawbars is prescribed. (Secs. 156–159.)

The board of railroad commissioners may provide for the inspection and testing of locomotive boilers used in the State. (Sec. 168.)

Michigan.—Passenger trains must have air brakes under the control of engineers, and all locomotive engines and tenders must be equipped with suitable driver and tender brakes of approved pattern. (C. L., sec. 8290.)

Cars must be provided with automatic couplers, four-wheeled cars and trains on logging cars where the coupling is not over 25 inches in height excepted. (Sec. 8353.)

Frogs, switches, and guard rails must be blocked so as to prevent the feet of employees or other persons from being caught therein. (Sec. 8326.)

Headlights on locomotives must be of sufficient candlepower to render visible whistling posts and other warning signs at a distance of 350 feet. (Sec. 8378.)

The railroad commission may regulate the height of all couplers on cars used on interurban railroads. (Acts of 1919, No. 401.)

Locomotives used between December 1 and April 1 must be equipped with suitable cab curtains, vestibule cabs, housing, or other devices for the safety and health of locomotive enginemen as may be required by the public utilities commission. Housings need not be placed over the coal tender unless the locomotive is to be used north of the Straits of Mackinac. (Acts of 1921, No. 139, amended 1923, No. 127.)

Minnesota.—Frogs, switches, and guard rails must be blocked. (G. S., sec. 4254.)

Freight cars are required to have automatic couplers and grab irons or handholds. (Secs. 4411, 4412.)

Power driving-wheel brakes are required on all locomotives, with a train-brake system under the control of the engineer; 75 per cent of the cars must be so equipped, subject to increase by the railroad commission. Drawbars must be of a prescribed standard height. (Secs. 4413–4420.)

Headlights of 1,500 candlepower are required on locomotives, except on branch lines of less than 25 miles in length, logging roads, and switch engines. Switch engines must have lights of at least 50 candlepower on both engine and tender and be equipped with classification signal lights. (Sec. 4421, amended 1923, ch. 392.)

Mississippi.—Locomotives used at night must have headlights that consume not less than 300 watts at the arc, with a reflector not less than 18 inches in diameter. (Acts of 1912, ch. 153.)

Missouri.—Switches, frogs, and guard rails must be blocked to prevent the catching of the feet of employees. (R. S., sec. 9964.)

Locomotives must be equipped with power drive-wheel brakes and air-brake appliances. Grab irons or handholds, automatic couplers, and drawbars of standard height are required, 75 per cent of the cars to be so equipped. Logging roads and street railways are exempt. (Secs. 9966–9971.)

Locomotives may not be used unless the cab and running boards are secured so as to prevent vibration, and the braces, brackets, and fastenings are secure; nor if steam escapes within or without the cab so as to obstruct the vision of the engineer or fireman. Cabs must be warmed during the winter months and be provided with suitable padded or cushioned seats. Headlights of not less than 1,500 candlepower and classification signals not less than 6 candlepower are required. (Secs. 10025–10034.)

Lights must be maintained between sunset and sunrise on main line switches and lead switches in yards. (Sec. 10041.)

Montana.—Locomotives other than switch engines must have headlights of at least 1,500 candlepower. (R. C., sec. 6609.)

Nebraska.—Lights must be provided on all switches leading from main tracks except those equipped with automatic block signals. (C. S., sec. 5385.)

Locomotives used at night must have headlights capable of disclosing the figure of a man on or adjacent to the track at a distance of 600 feet, switch engines and those on lines not over 10 miles in length excepted. (Sec. 5387.)

Cars must be equipped with automatic couplers and with train brakes under the control of the engineer. (Secs. 5457–5460.)

Nevada.—Locomotives used at night must have headlights of 1,500 candlepower, or such as will enable one to distinguish the figure of a man at 1,000 feet on a dark clear night, switch engines excepted. (R. L. 1919, sec. 1, p. 2978.)

New Mexico.—Locomotives other than those used in yard service or on roads less than 16 miles in length must be equipped with headlights that will disclose an object the size of a man at 800 feet. (Acts of 1915, ch. 37.)

New York.—Safety switches must be laid in new or replacement work. Freight cars must be equipped with automatic couplers, and passenger cars with automatic air brakes or other form of safety power brakes. (Con. L., ch. 49, sec. 71.)

The inspection, care, maintenance, and equipment of locomotives is regulated, with provision for the appointment of a State inspector. (Secs. 72 (amended 1922, ch. 601), 73 (amended 1920, ch. 867), 74, 75.)

Locomotives must be equipped with power driving-wheel brakes and a train-control system, mechanically operated doors to the fire box, operated by steam, compressed air, or otherwise, and vestibuled cabs of a type deemed best by the officers of the road. (Sec. 77, amended 1918, ch. 649.)

Freight trains must contain a sufficient number of cars equipped with power or air brakes to enable the engineer to control the same. (Sec. 79.)

North Carolina.—Locomotives must be equipped with headlights of at least 1,500 candlepower, short lines excepted. (Con. S., sec. 3479.)

North Dakota.—Locomotives used at night in main-line service must have headlights of at least 1,200 candle power. (Acts of 1913, ch. 233.)

Locomotives must be supplied with curtains closing the opening between the cab and tender. Front windows of cabs must be equipped with frost glass in winter. (Acts of 1921, ch. 102.)

Ohio.—Footboards must be placed on locomotives regularly assigned to mine run, drop, or package local freight, or switching service, dimensions, location, etc., to be determined by the public utilities commission. (G. C., sec. 8915–4, added 1923, p. 142.)

Self-cleaning ash dump pans of approved pattern are required on all locomotives where practicable. This does not apply where engineers and firemen are not required to go under engines to remove ashes except in cases of emergency. (Sec. 8944.)

Headlights capable of rendering signposts, etc., visible at a distance of 350 feet must be installed on locomotives other than for yard use only. (Sec. 8945–1, added 1910, p. 330.)

Automatic couplers must be placed on all cars and air brakes on prescribed percentages; also grab irons and handholds on locomotives, cars, and tenders. (Secs. 8946–8951, amended 1913, p. 117.)

Automatic or foot-power doors are required on locomotives. (Sec. 8951–1, added 1917, p. 560.)

Drawbars must be of a prescribed height. (Sec. 8952.)

Inspection of couplers, brakes, and appliances is provided for by a State Inspector; also of locomotive boilers and appurtenances. (Secs. 8957–8965, amended 1913, p. 192; 8965–1–8965–9, added 1910, p. 328.)

Angles in frogs, switches, and crossings must be blocked or filled with sheet steel or other metallic appliances. (Sec. 9009, amended 1910, p. 325.)

Penalty and enforcement provisions as to ash pans, couplers, etc. (Secs. 12558, 12559, 12562.)

Oklahoma.—Headlights of at least 1,500 candlepower must be installed on locomotives used at night, other than switch engines. (R. L., sec. 1433.)

Oregon.—Frogs, switches, and guard rails must be blocked. (Laws, sec. 5928.)

Locomotives other than switch engines must have headlights to disclose an object the size of a man at a distance of 800 feet in clear weather. (Sec. 5942.)

South Carolina.—Brakes are required in all passenger cars and on all freight cars other than four-wheeled cars. (Code, sec. 3217.)

Headlights of 10,000 candlepower with the aid of a reflector, or that will disclose a man at 800 feet under normal conditions must be installed on locomotives. (Acts of 1912, No. 452.)

South Dakota.—Locomotives in road service must have headlights of at least 1,500 candlepower. (R. C., sec. 9683.)

Good and sufficient lights must be placed on all main-line switches over which trains are operated at night. (Sec. 9693.)

Texas.—Locomotives must have headlights of 1,500 candlepower. (Sec. 6565.)

Lights must be placed on main-line switches unless all locomotives on the road have electric headlights. (R. Civ. S., sec. 6567.)

Derailing switches are required on main-line switches where cars are left standing on the sidings. (Sec. 6568.)

All locomotives must be equipped with self-dumping ash pans. (Sec. 6577.)

Power brakes under control of the engineer, automatic couplers, drawbars of a prescribed height, and grab irons, handholds, and foot stirrups are required. (Secs. 6709–6713.)

Vermont.—Frogs, switches, and guard rails must be blocked, and ladders or steps installed leading to the tops of cars, the same not to be on the sides of cars. (G. L., secs. 5208–5210.)

Power brakes operated by the engineer must be furnished. (Sec. 5240.)

Locomotive headlights and cab lights must be supplied, as the public service commission may determine. (Sec. 5242.)

Virginia.—Locomotives must have headlights of at least 500 candlepower with the aid of a reflector. (A. C. sec. 3976.)

All passenger trains must be equipped with air brakes or an equally effective appliance; and the State corporation commission may require all other trains to be so equipped. (Sec. 3989.)

Washington.—The public service commission has general control of inspection and regulation of railroads. Locomotives must be equipped with power driving-wheel brakes and connections; automatic couplers, proper flanges, sill steps and grab irons, and electric headlights of approved design and capacity are required; escape of steam so as to obscure vision must be avoided; and switch engines must be supplied with proper footboards and toe boards and lights at each end. Cars must have automatic couplers, brakes, ladders, running boards, grab irons, etc. Frogs, switches and guard rails must be blocked. (Acts of 1911, ch. 117, secs. 65–68.)

Wisconsin.—Frogs must be guarded or blocked, front and rear. (Statutes, sec. 192.28.)

Headlights on locomotives must enable enginemen to discern an object the size of a man at a distance of 800 feet in clear weather. (Sec. 192.45.)

Hand-fired locomotives of 100,000 pounds weight or over on the drivers must have mechanically operated fire doors; and those of 200,000 pounds weight or more must be equipped with power reverse gear. (Secs. 192.455, 192.456.)

Switch engines must have footboards both front and rear. (Sec. 192.47.)

Locomotives over 100,000 pounds in weight may not run on trunk lines unless equipped with independent or straight air-brake valves. (Sec. 192.79.)

Cab curtains are required on all locomotives between November 15 and April 1. (Sec. 192.80.)

CABOOSE CARS

A law looking toward the safety and comfort of the crews of freight trains by establishing standards of strength, construction, and equipment of caboose cars is found in 20 States.

That of Indiana is generally representative.

INDIANA ANNOTATED STATUTES

Construction, etc., of caboose cars

SECTION 5271a. *Application of law.*—The provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroad of passengers or property within this State to which the regulative power of this State extends.

SEC. 5271b. *Construction and equipment.*—From and after the first day of June, 1914, it shall be unlawful except as otherwise provided in this act, for any such common carrier by railroad to use on its line any caboose car or other car used for like purposes unless such caboose or other car shall be at least twenty-four (24) feet in length exclusive of the platforms and equipped with two four-wheel trucks and said caboose car or other car shall be of constructive strength equal to that of the sixty thousand pounds capacity freight cars, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guardrails and with grab irons and steps for the safety of persons getting on and off said car. Said steps shall be equipped with a suitable rod, board, or other guard at each end and at the back thereof properly designed to prevent slipping from said step. Said caboose shall have cupola, necessary closets, and windows.

SEC. 5271d. *Exceptions.*—The provisions of this act shall not apply to the use of caboose cars operated in yards and in transfer service, and in case of unusual and unforeseen demands of traffic caboose cars not constructed in compliance with this act may be used temporarily: *Provided*, That the railroad

company desiring to use the same shall apply to and obtain an order from the railroad commission granting the privilege to temporarily use the same.

SEC. 5271e. *Height of cars.*—The State railroad commission shall have the power to limit or prescribe the maximum height of any caboose to be used upon any railroad operating in or through the State * * *.

Other States having laws on this subject are:

Arkansas.—Digest, secs. 956–958.
Illinois.—R. S., ch. 114, secs. 303–306.
Indiana.—A. S., secs. 5271a–5271e.
Iowa.—Cole Supp. 1913, sec. 2083j (am. 1921, ch. 195), secs. 2083k–2083m.
Kansas.—Acts of 1917, ch. 261.
Maine.—R. S., ch. 57, secs. 72–74.
Michigan.—Acts of 1923, ch. 123.
Minnesota.—G. S., secs. 4387, 4388.
Missouri.—R. S., secs. 10079, 10080 (both am. 1923, p. 310); 10081.
Montana.—R. C., secs. 6577, 6578.
Nebraska.—C. S., secs. 5450–5454.
New Hampshire.—Acts of 1913, ch. 116 (am. 1923, ch. 112).
New York.—Con. L., ch. 49, sec. 78 (am. 1923, ch. 519).
North Dakota.—Acts of 1911, ch. 245 (am. 1921, ch. 100).
Ohio.—G. C., secs. 8956–1, 8956–2 (both added 1910, p. 133); sec. 8956–3 (added 1913, p. 719; am. 1915, p. 429); secs. 8956–4, 8956–6 (all added 1913, p. 719).
South Dakota.—R. C., secs. 9680–9682.
Vermont.—Acts of 1923, No. 94.
Virginia.—A. C. 1919, secs. 4012–4016.
Washington.—A. C. and S., secs. 8685, 8686.
Wisconsin.—Statutes 1923, sec. 192.22.

HOURS OF SERVICE

The laws under this head are limited to those employees who are involved in the movement of trains, including, as a rule, the crew, telegraph operators, and train dispatchers. Congress has acted in this field, and it has been held that this debars valid State legislation, since it controls absolutely in the field of interstate commerce, and the separation of this from intrastate operations is impracticable.[1] On the other hand, it has been said that a State law may exist coordinately if not in conflict with the Federal statutes.[2] The Federal legislation is reproduced in Part II.

The States which have laws on this subject are:

Arizona.—Penal Code, sec. 405.
Arkansas.—Digest, secs. 7077, 7080.
California.—Acts of 1911, ch. 484.
Colorado.—C. L., sec. 2895.
Connecticut.—G. S., sec. 3814.
Florida.—R. G. S., sec. 4532.
Georgia.—Code, sec. 2693.
Indiana.—A. S., sec. 5304.
Iowa.—Code Supp., 1913, sec. 2110a.
Kansas.—G. S., sec. 8588.
Maryland.—A. C., art. 23, sec. 323.
Michigan.—C. L., sec. 8385.
Montana.—R. C., sec. 3081.
Nebraska.—C. S., sec. 5447.
Nevada.—R. L., 1919, pp. 2979, 2980.
New Mexico.—A. S., sec. 4755.
New York.—Acts of 1921, ch. 50, sec. 166.
North Carolina.—Con. S., sec. 6565.

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[1] State *v.* Mo. Pac. R. Co., 212 Mo. 658, 111 S. W. 500; State *v.* Chicago, etc., R. Co., 136 Wis. 407, 117 N W. 686.
[2] People *v.* Erie R. Co., 198 N. W. 369, 91 N. E. 849; Lloyd *v.* N. C. R. Co., 151 N. C. 536, 66 S. E. 604.

North Dakota.—Acts of 1907, ch. 207.
Ohio.—G. C., sec. 9007 (am. 1913, p. 557).
Oregon.—Laws, sec. 5917.
Porto Rico.—R. S., sec. 1663.
South Dakota.—R. C., sec. 9715.
Texas.—R. Civ. S., secs. 6584, 6586, Cr. S., secs. 1551–1553.
Washington.—C. and S., sec. 6581.
West Virginia.—Code, sec. 3023.
Wisconsin.—Statutes, sec. 192.37.

TRAIN CREWS

A number of States have laws regulating the minimum number of employees required for the operation of trains of different classes and numbers of cars, and some also for switching operations. The details vary somewhat, though there has been an effort at standardization. Instead of a statutory fixing of the numbers, some States provide for a determination by the railroad or similar commission of the State; and in a few recent instances laws fixing numbers have been repealed and the matter placed in the hands of the commission for action after investigation. Indiana repealed its existing laws in 1921 (chs. 81, 82) without enacting any substitute. A similar fate met the law of Missouri by referendum in 1914, the legislature also declaring its repeal in 1919 (p. 247).

The law of Oregon is fairly representative of the statutes on this subject. It is as follows:

OREGON—LAWS

Sufficient crews for trains

Section 5944. *Passenger, etc., trains.*—It shall be unlawful for any person, corporation, company, or officer of court operating any steam railroad or railway in the State of Oregon and engaged as a common carrier in the transporation of freight or passengers to operate over its road, or any part thereof, in excess of fifteen continuous miles, or suffer or permit to be run over the same, outside of yard limits, any passenger, mail or express train consisting of four or more cars with less than a full passenger crew consisting of five men, to wit: One engineer, one fireman, one conductor, one brakeman, and one flagman (such flagman to have had at least six months' experience in train service) and none of said crew shall be required or permitted to perform the duties of train baggageman or express messenger while on such road.

Sec. 5945. *Freight trains.*—It shall be unlawful for any person, corporation, company, or officer of court operating any steam railroad or railway in the State of Oregon, and engaged as a common carrier in the transportation of freight or passengers to operate over its road or any part thereof in excess of fifteen continuous miles, or suffer or permit to be run over the same outside of yard limits, any freight train consisting of forty or more cars, exclusive of locomotive and caboose, with less than a full train crew consisting of six men, to wit: One engineer, one fireman, one conductor, two brakemen and one flagman (such flagman to have had at least six months' experience in train service): *Provided, however*, That all main line local freight trains shall have a full crew consisting of six men, to wit: One engineer, one fireman, one conductor, two brakemen, and one flagman (such flagman to have had at least six months' experience in train service): *Provided further*, That light engines operated outside of yard limits will be provided with a full crew of three men, to wit: One engineer, one fireman, and one pilot, but this provision is not to apply to helper engines within helper districts.

Sec. 5946. *Violations.*—[Violations entail penalty of fine, $20 to $100 for each offense.]

States having similar laws, i. e., fixing the numbers by statute, are:

Arizona.—R. S., secs. 2171–2182.
Arkansas.—Digest, secs. 8577–8586.

California.—Acts of 1911, ch. 49 (am. 1913, ch. 168; 1915, ch. 501).
Maine.—R. S., ch. 57, sec. 60.
Mississippi.—Acts of 1914, ch. 170.
Nebraska.—C. S., secs. 5336–5341.
Nevada.—R. L. 1919, p. 2976, secs. 1–7.
New York.—Con. L., ch. 49, sec. 54a (added 1913, ch. 146; am. 1921, ch. 290),
North Dakota.—Acts of 1919, ch. 169.
Ohio.—G. C., secs. 12553–12557–3 (am. 1911, p. 508; 1913, p. 191; 1919, p. 687).
Oregon.—Laws, secs. 5944, 5945.
South Carolina.—Civil C., sec. 3217.
Texas.—R. Civ. S., secs. 6571–6575.
Washington.—Acts of 1911, ch. 134.
Wisconsin.—Statutes, secs. 192.41–192.44, 192.46.

The power of regulating numbers is placed in the hands of a railroad, public service, or similar commission, in the following States:

Connecticut.—G. S., sec. 3810.
Maryland.—A. C., art. 23, sec. 435c, added 1922, ch. 143.
Massachusetts.—G. L., ch. 160, sec. 185.
New Jersey.—Acts of 1917, ch. 94 (am. 1822, ch. 270).
Pennsylvania.—Acts of 1921, No. 184.
West Virginia.—Code, sec. 639 (am. 1921, ch. 150).

SEAMEN

Though several States have laws relating to seamen, the fact of the Federal control of maritime contracts and actions (Patterson *v.* The Eudora (1903), 190 U. S. 169, 23 Sup. Ct. 821; Knickerbocker Ice Co. *v.* Stewart (1920), 253 U. S. 149, 40 Sup. Ct. 438) gives to such laws only a secondary importance. The Federal statutes are given at length in Part II, and only citations of the State laws follow:

Alabama.—Code, secs. 2519–2525.
California.—Civil Code, secs. 2049–2064; Penal Code, sec. 644.
Florida.—R. G. S., secs. 5162, 5772, 5773.
Georgia.—Penal Code, secs. 689–695.
Louisiana.—R. L., secs. 934, 939, 944, 945; p. 254, Acts of 1874, No. 73; p. 255, Acts of 1880, No. 76; secs. 3475, 3478.
Maine.—R. S., ch. 120, sec. 19; ch. 128, sec. 21.
Maryland.—A. C., art. 84.
Massachusetts.—G. L., ch. 102, secs. 1–4; ch. 246, sec. 32.
North Carolina.—Con. S., secs. 4471–4474.
North Dakota.—R. C., secs. 5598–5616.
Oregon.—Laws, secs. 2182–2188.
Philippine Islands.—Acts of Ph. Com., No. 1751.
South Carolina.—Cr. Code, secs. 164, 898–901, 903.
Texas.—Rev. Cr. Code, art. 1452.
Virginia.—Code, secs. 3661–3663.[1]

The same as above may be said as to shipping masters and sailors' lodging houses. Laws relating to these subjects are found as follows:

Florida.—R. G. S., secs. 2457–2459, 5770, 5771.
Louisiana.—R. L., secs. 942, 943, 1685–1690, 3491, 3492.
Oregon.—Laws, secs. 7746–7764.

[1] A United States district court says of sections 3661, 3662, which provide for the imprisonment of seamen for desertion, that they "can not be effective" in the face of provisions of the Seamen's Act of 1915 (38 Stat. 1164), which "if not expressly, certainly by strong implication, prohibit the punishment by imprisonment for deserting seamen," State laws in this field necessarily giving way to Federal enactments. Ex parte Larsen (1916), 233 Fed. 708.

CONSTRUCTION AND MAINTENANCE OF ELECTRIC INSTALLATIONS

A few States have passed laws relating to electrical construction and maintenance, with regard to the safety of workmen. The Oregon statute merely authorizes the public-service commission of the State to formulate rules and regulations. The industrial board of the Department of Labor and Industry of the State of Pennsylvania has a comprehensive and technical body of such regulations, prepared in cooperation with the National Bureau of Standards.

New York limits its requirements to the placing of rubber mats in front of switchboards for the protection of workers; while the law of Massachusetts only mentions the insulation of poles and other structures used for the support of electric wires.

The law of the State of Washington is devoted mainly to installations in generating and transforming plants and the like, and that of Montana more largely to the erection and guarding of wires and cables for carrying electricity; the Nevada statute more nearly resembles that of Montana.

The safety provisions of the Montana statute follow:

MONTANA—ACTS OF 1917

CHAPTER 171.—*Safety of employees—Electrical construction and maintenance*

SECTION 1. *Climbing space.*—Any person, company, or corporation owning or using any pole or appliance on which is run, placed, erected, or maintained in the State of Montana any wire or cable used or to be used to conduct or carry electricity for the purpose of light, heat, or power, shall provide and maintain an unobstructed climbing space adjacent to any such pole or appliance, so that persons shall be able to ascend any such pole or appliance with reasonable safety and convenience up to and through the wires, connections, attachments, and structures of any such pole or appliance, and all cases where any "buck" or reverse arm is used or where special construction is used there shall be provided and maintained unobstructed climbing space of not less than twenty-two inches square, omitting the area of any pole or appliance.

SEC. 2. *Space for high-voltage wires.*—At least one standard pole gain, or the equivalent of four feet, shall be left vacant between the nearest cross arm on which is placed or maintained any wire or cable conducting or carrying more than four hundred and forty volts of electricity and any cross arm occupied by or used for wires or cables carrying four hundred and forty volts or less.

The said standard pole gain shall be spaced not less than twenty-four inches center to center, except that one "buck" or reverse arm may be placed not more than twelve inches below any cross arm: *And provided*, That this section shall be held not to apply to bridge construction: *And further provided*, That it shall be held not to apply to primary taps to transformers on poles: *And provided further*, That all such primary taps leading to transformers on poles shall be of double braid, rubber-covered wire of at least twenty-two hundred volts insulation.

SEC. 3. *Cross arms.*—All cross arms shall be made from clear, straight-grained wood, or standardized material. The cross section of wood arms shall be not less than three and one-half by four and one-half inches. The pin spacing shall be, for six pin arms, not less than thirty-inch center for pole pin spacing, fourteen-inch side spacing, and five-inch end spacing; and four pin arms, not less than thirty-inch center for pole pin spacing, fourteen-inch side spacing, and five-inch end spacing.

SEC. 8. *Guy wires.*—Guy wires shall be attached to poles so as to interfere as little as possible with workmen climbing or working thereon. * * *

SEC. 13. *Provisions not applicable, where.*—None of the provisions of sections one, two, and three shall be held to apply to direct current wire carrying nominally six hundred volts of electricity and used for street railway purposes: *Provided, however*, That an unobstructed climbing space not less than twenty-six inches in a horizontal line shall at all times be provided and maintained.

SEC. 15. *Climbing space.*—Any person, company, or corporation owning or using any pole or appliance used exclusively for telephone, telegraph, or other signal wires shall provide and maintain an unobstructed climbing space of not less than sixteen inches.

Whenever "buck" or reverse arms are used an unobstructed climbing space shall be left adjacent to the pole or appliance at least twenty inches square, omitting the area of any such pole or appliance. [;] any wire or cable attached to the pole in such buck-arm construction not less than forty inches from the nearest cross arm shall be held not to be an obstruction to the climbing space as herein provided.

SEC. 19. *Same; poles jointly used.*—All telephone, telegraph, or other signal wires placed on poles jointly used for electric light, heat, and power wires shall have an unobstructed climbing space of not less than twenty-six inches. All telephone, telegraph, or other signal wires placed on poles jointly used for light, heat, or power wires shall be placed and maintained on cross arms, except that brackets may be maintained on one side of the pole not nearer than two feet below the lowest cross arm for the purpose of carrying duplex wires or cables to distribute telephone, telegraph, or signal wires.

SEC. 21. *Same; two pole lines.*—In all cases where there are two or more pole lines used for telephone, telegraph or other signal wires, on the same side of any street, alley or public highway, provided such lines are not parallel on a horizontal plane, the cross arms shall have an unobstructed climbing space of not less than twenty-six inches.

SEC. 27. *Records.*—In every generating and substation used for light, heat, or power, there shall be kept a log book or record showing the changes in the condition of operation, including the starting and stopping of electrical supply equipment, the name of each foreman or workman locally in charge of work, and all unusual occurrences and accidents.

The log book or record shall be signed by the person in charge before being relieved. He shall keep within sight an operating diagram or equivalent device indicating whether electrical supply circuits are open or closed and where work is being performed. On circuits carrying normally in excess of seventy-five hundred volts the operator in charge shall place "Men at work" tags upon switches controlling any circuits upon which men are known to be working and it shall be his duty to enforce the safety rules and permit only authorized persons to approach the equipment or lines.

This section shall not apply to isolated plants, generating current for telegraph, telephone and signaling purposes.

SEC. 28. *Provisions for accident.*—There shall be provided in conspicuous and suitable places in electrical stations and shops a suitable and sufficient supply of first-aid and protective devices, all of approved kinds and qualities; the kinds and number of such devices will depend on the requirements of each case, as may be from time to time prescribed by the State industrial accident board, and it shall be the duty of the said State industrial accident board to prescribe such necessary protective devices. All such prescribed devices shall be kept, when not in use, in their regular location and in good working order.

SEC. 29. *Switches in certain circuits.*—All circuits of four hundred and forty volts, or more where originating or terminating in any enclosure or building or is used for underground, shall be provided with air gap switches or other approved devices, [;] if any of the above circuits are of seven and one-half kilowatts or more capacity they shall, in addition, be provided with an oil break switch or other approved device which will safely open the circuit under the load. There shall be no less than two experienced electricians employed on any work or maintenance to be performed on any electrical wires or equipment connected therewith carrying nominally [sic] six hundred volts or more: *Provided, however*, That this shall not apply to the operation of electrical equipment nor in cases of emergency.

Direct current feeders of two hundred and fifty volts or over shall be protected by approved circuit-breaking devices.

SEC. 30. *Fuses.*—All fuses shall be inclosed, or expulsion type, or other approved "National Electrical Code" standards.

SEC. 31. *Grounding; head room, etc.*—Where necessary all forms of electrical apparatus shall be effectively grounded for the protection of persons.

Wherever wires or conductors are installed within enclosures or buildings, in and about switchboards and other appliances where conductors are

run, placed or erected, a clear headroom of six and one-half feet above the floor or surface must be maintained, or the wires be effectively guarded. All apparatus, passages, manways, and other places where persons may enter into must be protected with efficient guards in accordance with standard practice: *Provided*, This shall not be held to apply to electrical machinery and auxiliary devices carrying six hundred volts or less.

When lines or wires carrying seventy-five hundred volts or more are disconnected from their source of power for work to be performed thereon, said lines or wires shall be effectively grounded for the protection of workmen.

SEC. 32. *Manholes.*—The opening to outer air for any manhole used for light, heat or power, shall be circular in shape, and shall be not less than twenty four inches in diameter.

The opening to outer air for any manhole used for telephone, telegraph or other signal wires shall be circular in shape and shall not be less than twenty inches in diameter.

Whenever persons are working in any manhole whose opening to the outer air is less than three feet from the rail of any railway or street car track, a watchman or attendant shall be stationed on the surface at the entrance of such manhole at all times while work is being performed therein.

Other States having laws on this subject are:

California.—Acts of 1911, ch. 500 (am. 1917, ch. 575).
Indiana.—A. S., sec. 3862d.
Massachusetts.—G. L., ch. 166, sec. 31.
Montana.—R. C., secs. 2677-2710.
Nevada.—R. L., 1919, pp. 3169-3172.
New York.—Acts of 1921, ch. 50, sec. 207.
Oregon.—Acts of 1921, ch. 217.
Washington.—Acts of 1913, ch. 139.

BAKERIES AND THE PREPARATION, DISTRIBUTION, ETC., OF FOOD PRODUCTS

Laws regulating the conditions of employment in bakeries, confectioneries, ice-cream factories, dairies, canneries, and the like, combine the industrial factor with ideas of the protection of the public health, and provisions stressing the latter aspect are valid (Benz *v.* Kremer, 142 Wis. 1, 125 N. W. 99). It follows from the nature of the industries affected that the welfare of the employee is frequently only a secondary aim in the enactment of the laws, the restrictions laid upon him frequently being less for his own welfare than to secure the cleanliness and wholesomeness of the product.

The laws are varied but include some or all of the following provisions: That the establishment shall be properly lighted, drained, plumbed, and ventilated; that screens must be provided for the doors and windows and the food and materials protected from flies, etc.; that the clothing of all operatives must be clean and sanitary; that the interior walls must be washed, whitewashed, or painted at reasonable intervals; that suitable and separate toilets be kept for each sex and that they be maintained in a sanitary condition and that washing facilities be supplied and used; that cuspidors must be provided, the same to be cleaned daily; that smoking and expectoration be prohibited; that no one be allowed to use any workroom as a sleeping room; that no persons suffering with any communicable disease be employed; and that employees with infected wounds be prohibited from handling food until the wound is healed. The law of New York is representative. It is as follows.

NEW YORK—ACTS OF 1921

CHAPTER 50.—*Labor law—Bakeries, etc.*

SECTION 330. *Definitions.*—Whenever used in this chapter:

1. "Bakery" means a building, room, or place used for making, preparing, or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses, and private residences, wherein all such products are consumed exclusively on the premises; and with respect to the provisions of this chapter relating to machinery, safety devices and sanitary conditions includes hotel bakeries. A bakery is a factory within the meaning of this chapter.

2. "Cellar" means a room or part of a building which is more than one-half its height below the level of the curb or ground adjoining the building, excluding areaways.

3. "Owner" means the owner of the premises, the lessee of the whole thereof, or the agent in charge.

4. "Occupier" means the person in possession of the premises and conducting the bakery therein.

SEC. 331. *Equipment.*—1. A bakery shall have proper and sufficient drains, sinks, clean running water, and properly ventilated water-closets. The water-closets shall be apart from and shall not open directly into the bake room or rooms where the raw material or manufactured product thereof is stored or sold.

2. A bakery shall have adequate windows, and, if required by the rules of the board, hoods and pipes or other means for ventilating ovens and ashpits.

3. A bakery shall be at least eight feet in height measured from the surface of the finished floor to the under side of the ceiling, except that any cellar or basement of less height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not conform to this provision.

4. The flooring shall be of smooth even cement, or tiles laid in cement, or wood, and shall be free from crevices and holes. The side walls and ceilings shall be either plastered, ceiled, or wainscoted.

SEC. 332. *Maintenance.*—1. Every part of a bakery, its equipment, plumbing, and the yards and areaways adjoining shall be kept in good repair, in sanitary condition, and free from vermin. All furniture, troughs, and utensils shall be so constructed and arranged as not to prevent cleaning them or any part of the bakery. All interior woodwork, walls, and ceilings shall be painted or limewashed once every three months, where so required by the commissioner.

2. Sanitary receptacles shall be used for coal, ashes, refuse, and garbage. The contents of the receptacles for refuse and garbage shall be removed daily. Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors, and other openings shall be properly screened. Lockers shall be provided for the street clothes of employees.

3. No person shall use or be permitted to use tobacco in any form in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

4. No person shall sleep or be permitted to sleep and no domestic animals, except cats, and no birds, shall be allowed to remain in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

5. Every person while engaged in the manufacture and handling of bakery products shall wear a clean suit and clean shoes or slippers. The suit shall be of washable material and used for that work only.

SEC. 333. *Diseased persons.*—No person who has a communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department, a person working in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall work or be permitted to work in a bakery.

States having laws of this class are as follows:

California.—Acts of 1921, ch. 701.
Colorado.—C. L., secs. 1015–1022.
Connecticut.—G. S., secs. 2518–2523.

Delaware.—Acts of 1915, ch. 228.
Georgia.—Acts of 1914, p. 134.
Idaho.—Acts of 1921, ch. 223.
Illinois.—R. S., ch. 56b, secs. 40–50.
Indiana.—A. S., secs. 7637a–7637j; Acts of 1919, ch. 56.
Iowa—Code Supp., secs. 2527a–2527h.
Kentucky.—Acts of 1916, ch. 37.
Maryland.—A. S., Art. 43, secs. 177A–177G.
Massachusetts.—G. L., ch. 111, secs. 34–48.
Michigan—Acts of 1919, ch. 25.
Minnesota.—G. S., secs., 3728–3731.
Missouri.—R. S., secs. 5685–5693, 6843–6847.
Nebraska.—C. S., secs. 7487–7497.
New Jersey.—C. S., pp. 2577, 2578.
New York.—Acts of 1921, ch. 50, secs. 330–333.
North Carolina.—Acts of 1921, ch. 173.
North Dakota.—Acts of 1917, ch. 68.
Ohio.—G. C., secs. 1012–1018, 12797; acts of 1919, p. 330.
Oklahoma.—Acts of 1911, ch. 125.
Oregon.—Laws, secs. 8734–8743.
Pennsylvania.—Statutes, secs. 11958, 11960 (both as amended 1921, No. 169), 13637–13660.
Rhode Island.—G. L., ch. 85, secs. 18–31 (am. 1923, ch. 2331).
South Dakota.—Acts of 1921, ch. 242.
Tennessee.—Code, secs. 3118a–3118a–9.
Texas.—Acts of 1921, chs. 63, 66.
Vermont.—G. L., secs. 6298–6302.
Washington.—C. and S., secs. 5482–5489 (am. 1913, ch. 60).
Wisconsin.—Statutes, secs. 98.16–98.30
Wyoming—Acts of 1913, ch. 108.

REGULATIONS GOVERNING LAUNDRIES

Regulations affecting employment conditions in laundries have regard to the public health rather than to the welfare of the employees themselves. Sanitation, ventilation, and cleanliness are required, and the use of workrooms as sleeping rooms is forbidden, as is the employment of persons affected with infectious or contagious diseases.

The States having laws covering some or all of the above provisions are:

Arizona.—Penal C., sec. 715.
Connecticut.—Acts of 1921, ch. 227.
Delaware.—R. C., sec. 746A (added 1915, ch. 59).
New York.—Acts of 1921, ch. 50, sec. 296.
Virginia.—A. C., sec. 1545.

RIGHT OF ACTION FOR INJURIES CAUSING DEATH BY WRONGFUL ACT

Under the common law, while an injured person who survived an accident might recover damages from the person or persons whose negligence or wrong caused the same, no recovery was allowed where the injury resulted in death. The reason given was that "there is no mode of estimating compensation for the death of a man." An English law of 1846, known as "Lord Campbell's Act," gave to surviving beneficiaries a right to sue for damages suffered by the death of the injured person, and laws of this kind now exist in all jurisdictions of the United States. While not labor laws in form, a very important application has been to cases of fatally injured employees whose surviving dependents are given thereby a right of action, though their importance has been affected by the general enactment

of workmen's compensation laws. As to interstate commerce, the Federal liability law controls.

The legislatures of the several States are not uniform as to whether or not punitive or exemplary damages are recoverable, but only such rights can be enforced as the statutes provide. The amount recoverable is limited by the statutes of some States, while New York, Oklahoma, Pennsylvania, Utah, and Wyoming each declares in its constitution that the amount shall not be restricted; but, except in Oklahoma, amendments permit the operation of workmen's compensation acts with fixed awards. Expressions frequently used are "such damages as may be fair and just," or "such damages as the jury may assess." Porto Rico has a limit of $3,000 in cases involving employer and employee. The largest amount is $10,000, named in the laws of Connecticut, Illinois, Indiana, Kansas, Massachusetts, Missouri, Ohio, Virginia, West Virginia, Wisconsin, and the District of Columbia. In Minnesota and Oregon the maximum is $7,500 and in New Hampshire $7,000; while in Colorado and Maine it is $5,000. In other States no sum is named.

The time within which the action must be brought is generally limited, ranging from 6 months in Porto Rico to 6 years in South Carolina. Four States have a limitation of three years, 25 of two years, and 16 of one year.

Persons properly classified as beneficiaries must be found to bring the action, the persons so named by the English act being the wife, husband, parent, or child of the deceased person. In most States, however, the use of the words "personal representatives" implies a less restricted class of beneficiaries, though the action is for the benefit of the heirs, and the amount recovered is in most instances not liable for the debts of the decedent.

The law of the District of Columbia on this subject is presented in full as a type of this class of laws:

DISTRICT OF COLUMBIA—CODE

Injuries causing death

SECTION 1301. *Right of action.*—Whenever by any injury done or happening within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony; and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person: *Provided*, That in no case shall the recovery under this act exceed the sum of ten thousand dollars: *And provided further*, That no action shall be maintained under this chapter in any case when the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party.

SEC. 1302. *Limitation.*—Every such action shall be brought by and in the name of the personal representative of such deceased person, and within one year after the death of the party injured.

SEC. 1303. *Distribution.*—The damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family and be distributed according to the provisions of the statute of distribution in force in the said District of Columbia.

Following is a list of the various States, etc., having laws on this subject:

Alabama.—Code, secs. 5695, 5696, 8948.
Arizona.—R. S., secs. 3372–3376.
Arkansas.—Digest, secs. 1074, 1075.
California.—C. Civ. Pro., secs. 340, 377.
Colorado.—R. S., secs. 6302–6306.
Connecticut.—G. S., sec. 6137.
Delaware.—R. C., sec. 4155.
District of Columbia.—Code, secs. 1301–1303.
Florida.—R. G. S., secs. 4960–4963.
Georgia.—Code, secs. 4422–4426.
Hawaii.—Acts of 1923, No. 245.
Idaho.—C. S., secs. 6612, 6644.
Illinois.—R. S., ch. 70, secs. 1, 2.
Indiana.—A. S., sec. 285.
Iowa.—Code, secs. 3313, 3443, 3447.
Kansas.—G. S., secs. 7323, 7324.
Kentucky.—Const., secs. 84, 241; Statutes, secs. 6, 2516.
Louisiana.—Civ. Code, art. 2315.
Maine.—R. S., ch. 92, secs. 9, 10.
Maryland.—A. C., art. 67, secs. 1–4.
Massachusetts.—G. L., ch. 229, secs. 1–11.
Michigan.—C. L., secs. 12323, 14577, 14578.
Minnesota.—G. S., sec. 8175.
Mississippi.—Code, secs. 721 (am. 1922, ch. 229).
Missouri.—R. S., secs. 4217–4219, 7514.
Montana.—R. C., secs. 9031, 9076.
Nebraska.—C. S., secs. 1382, 1383.
Nevada.—R. L., secs. 4967, 4997.
New Hampshire.—P. S., ch. 191, secs. 8–12 (am. 1913, ch. 201).
New Jersey.—C. S., pp. 1907–1911 (am. 1913, ch. 287; 1917, ch. 180).
New Mexico.—A. S., secs. 1821–1823.
New York.—Const., art. 1, sec. 18; C. Civ. Pro., secs. 841a, 1902–1905 (am. 1909, ch. 221; 1913, chs. 228, 756).
North Carolina.—Con. S., secs. 160, 161.
North Dakota.—R. C., secs. 6785, 6789, 7686–7688 (am. 1917, ch. 106), 7689–7691.
Ohio.—G. C., secs. 10770–10773 (am. 1910, pp. 198, 199; 1913, pp. 116, 117).
Oklahoma.—R. L., secs. 5281, 5282.
Oregon.—Laws, sec. 380.
Pennsylvania.—Const., art. III, sec. 21; Statutes, secs. 15977–15979.
Porto Rico.—R. S., secs. 5044, 5045.
Rhode Island.—G. L., ch. 233, secs. 14, 15.
South Carolina.—Civ. C., secs. 3955–3958, 3963.
South Dakota.—R. C., secs. 2929–2932.
Tennessee.—Code, secs. 4025–4029, 4469.
Texas.—R. Civ. S., arts. 1838, 1895, 4694–4704 (am. 1921, ch. 109), 5687.
Utah.—Const., art. 16, sec. 5 (am. 1920); C. L., secs. 6469, 6504, 6505.
Vermont.—G. L., secs. 3314, 3315.
Virginia.—Code, secs. 5786–5790.
Washington.—C. and S., secs. 170, 183 (am. 1917, ch. 123), 194.
West Virginia.—Code, ch. 103, secs. 5, 6.
Wisconsin.—Stats., secs. 4224, 4255, 4256.
Wyoming.—C. S., secs. 5281, 5282.

VOCATIONAL REHABILITATION—STATE AND FEDERAL COOPERATION

The more humane and responsible attitude toward injured workers embodied in the workmen's compensation laws, and the successful rehabilitation activities in connection with the wounded soldiers are doubtless jointly responsible for the recent rapid extension of the idea of retraining injured industrial workers for a resumption of

self-supporting and self-respecting employment. The Federal statute of June 2, 1920 (41 Stat. 735, C. S. secs. 8932¼–8932¼k), appears in its proper sequence in the texts of laws printed in Part II. The provision for State cooperation on the basis of at least equal contributions to expenses has been accepted by most States of the Union. The legislation by the States is quite uniform, and that of Arizona may be accepted as representative. It is as follows:

ARIZONA—ACTS OF 1921

CHAPTER 78.—*Vocational rehabilitation—State and Federal cooperation*

SECTION 1. *Act accepted.*—The State of Arizona does hereby, through its legislative authority, accept the provisions and benefits of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, and will observe and comply with all requirements of such act.

SEC. 2. *Custody of funds.*—The State treasurer is hereby designated and appointed custodian of all moneys received by the State from appropriations made by the Congress of the United States for the vocational rehabilitation of persons disabled in industry or otherwise, and is authorized to receive and provide for the proper custody of the same and make disbursements therefrom upon the order of the State board herein designated.

SEC. 3. *Board.*—The board heretofore designated as the State board of vocational education to cooperate with the Federal Board for Vocational Education in the administration of the provisions of the vocational education act, approved February 23, 1917, is hereby designated as the State board for the purpose of cooperating with the said Federal board in carrying out the provisions and purposes of said Federal act providing for the vocational rehabilitation of persons disabled in industry or otherwise and is empowered and directed to cooperate with the said Federal board in the administration of said act of Congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons disabled in industry or otherwise and provide for the supervision of such training; to appoint such assistants as may be necessary to administer this act and said act of Congress in this State; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the Federal Government and this State for the vocational rehabilitation of such persons.

SEC. 4. *Gifts, etc.*—The State board designated to cooperate as aforesaid in the administration of the Federal act, is hereby authorized and empowered to receive such gifts and donations, either from public or private sources, as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the State board are proper and consistent with the provisions of this act. All the moneys received as gifts or donations shall be deposited in the State treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of disabled persons, to be used by the said board to defray the expenses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the governor of the State by the State board.

SEC. 5. *Appropriation.*—There shall be appropriated a sum of money available for each fiscal year not less than the maximum sum which may be allotted to the State for the purposes set forth in said Federal act, and there is hereby appropriated for such purposes out of any moneys in the treasury not otherwise appropriated for the fiscal year ending June 30, 1921, the sum of $5,000.

A few States accepted the act prior to its enactment, anticipating the action of Congress in this respect. But few legislatures were in session in the year 1920, subsequent to the date of the action by Con-

gress, but in 1921 there was a very general acceptance, other States coming in in succeeding years. No action has been taken in 17 jurisdictions, while Tennessee by an act of 1923 (ch. 74) withdrew its acceptance of 1921, and is now one of the noncooperative States. Following is a list of the States, showing the year of enactment and the number of the chapter or act by which cooperation is provided:

Alabama.—Acts of 1920, No. 86.
Arizona.—Acts of 1921, ch. 78.
Arkansas.—Acts of 1923, No. 70.
California.—Acts of 1921, ch. 758.
Georgia.—Acts of 1920, p. 279.
Idaho.—Acts of 1921, ch. 44.
Illinois.—Acts of 1921, p. 11.
Indiana.—Acts of 1921, ch. 204.
Iowa.—Acts of 1921, ch. 14.
Kentucky.—Acts of 1922, ch. 66.
Louisiana.—Acts of 1922, No. 125.
Maine.—Acts of 1921, ch. 97.
Massachusetts.—Acts of 1921, ch. 462.
Michigan.—Acts of 1921, No. 211.
Minnesota.—Acts of 1919, ch. 365.
Mississippi.—Acts of 1924, ch. 283.
Missouri.—Acts of 1921, p. 690.
Montana.—R. C., secs. 3044–3051.
Nebraska.—Acts of 1921, ch. 68.
Nevada.—Acts of 1921, ch. 200.
New Jersey.—Acts of 1920, ch. 359.
New Mexico.—Acts of 1921, ch. 162.
New York.—Acts of 1920, ch. 760.
North Carolina.—Acts of 1921, ch. 172.
North Dakota.—Acts of 1921, ch. 115.
Ohio.—Acts of 1921, p. 310.
Oregon.—Acts of 1923, ch. 137.
Pennsylvania.—Acts of 1921, No. 4.
Rhode Island.—G. L., ch. 79, sec. 6.
South Dakota.—Acts of 1921, ch. 215.
Utah.—Acts of 1921, ch. 97.
Virginia.—Acts of 1922, ch. 516.
West Virginia.—Acts of 1921, ch. 19.
Wisconsin.—Statutes, sec. 41.215.
Wyoming.—Acts of 1921, ch. 109.
United States.—Acts of 1920, 41 Stat., 735.

Besides accepting the cooperative system, the following States have statutes providing for independent action:

California.—Acts of 1919, ch. 183.
Illinois.—Acts of 1919, p. 534.
Michigan.—Acts of 1921, No. 211.
Minnesota.—Acts of 1919, ch. 365.
New Jersey.—Acts of 1919, ch. 74.
New York.—Acts of 1920, ch. 760.
Oregon.—Laws, secs. 6655–6659.
Pennsylvania.—Statutes, secs. 13671–13678.
Rhode Island.—G. L., ch. 79, secs. 1–5.
Virginia.—Acts of 1920, ch. 392.
Wisconsin.—Statutes, sec. 41.215.
Wyoming.—Acts of 1921, ch. 110 (am. 1923, ch. 24).

Specific provision for rehabilitation is also made in the workmen's compensation laws of California, Massachusetts, Minnesota, New York, North Dakota, Oregon, and Wisconsin.

OLD AGE PENSIONS

Statutes providing for pensions for aged persons are not strictly industrial laws, although they accomplish ends frequently sought by contributory schemes in which employers and employees cooperate in other countries. But little legislation on this subject has been enacted in the United States. It is thus far strictly noncontributory, or supported by taxation, as are those forms of relief that are provided for poverty and sickness in various forms of poor relief.

An early statute in this field was one of Arizona, an initiated act of 1914, proposing to abolish almshouses, superseding them by monthly allowances to "aged people and people incapable of earning a livelihood by reason of physical infirmities," etc. The supreme

court of that State found the law lacking in "a clear statement of the means and method of its enforcement;" technical defects also vitiated the act, so that its was declared void (State Board of Control *v.* Buckstegge (1916), 18 Ariz. 277, 158 Pac. 837).

Congress in 1906 (act of May 14, 24 Stat. 192) provided that all moneys received for liquor licenses and occupation and trade licenses, outside of the incorporated towns, of Alaska be held as a separate fund to be known as the "Alaska Fund." An amendment of 1913 devoted 10 per cent of such fund to the relief of "persons in Alaska who are indigent and incapacitated through nonage, oldage, sickness, or accident." The Alaska Legislature of the same year (1913, ch. 80) provided for an "Alaska Pioneers' Home" in which residents of five years' standing might be cared for if in need of aid because of physical disability or otherwise. In 1915 pioneers at least 65 years of age and 10 years in residence might be given an outdoor allowance not to exceed $12.50 per month in lieu of residence in the home. In 1923 (ch. 46) men 65 years of age and women 60 years of age, 15 consecutive years in residence immediately prior to application, were given the benefits of this law, allowances being advanced to $25 per month for men and $45 per month for women. Any estate of the beneficiary is subject to a preferred claim in behalf of the fund if there is no widow or minor child under 18.

In Montana (ch. 72, acts of 1923) the county old-age pension board or commission may receive applications from persons 70 years of age, citizens of the United States and residents of the State of Montana for at least 15 years. Disqualifications are the abandonment of a wife by a husband without just cause, failure to render support to wife or children under 15 years of age within the 15 years preceding, or being a professional tramp or beggar within the preceding year. Benefits may not exceed $25 per month.

A Nevada law (ch. 70, acts of 1923) closely resembles the above except that the minimum age is 60 years, while the benefits, taken together with other resources, may not bring the income to above $1 per day.

Pennsylvania is the final State to be noted, an act of 1923 (No. 141) resembling in its main provisions the laws of Montana and Nevada already noted.[1] A State commission and county boards cooperate; a minimum age of 70 years and minimum residence of 15 years are required. Benefits and other resources may not exceed $1 per day, and possession of property, alone or jointly with a spouse, exceeding $3,000 in value is a bar. Disqualifications are similar to those noted under the Montana law.

RETIREMENT OF PUBLIC EMPLOYEES

The laws under this head relate entirely to public employment, and therefore are not industrial in their main aspects. However, they indicate a steady if slow growth of the idea of retirement after long-continued service, though most of the legislation recently has been amendatory. In most cases contributions by employees are provided for.

[1] This statute has been declared unconstitutional by the State courts, as violating sec. 18, Art. III of the State constitution, which forbids appropriations for charitable or benevolent purposes except pensions or gratuities for military service. Busser *v.* Snyder, 128 Atl. 80.

Teachers' and policemen's funds are not noted here. As the laws are not industrial, only illustrative summaries are given.

In California a contributory system may be adopted for county employees by a four-fifths vote of the county supervisors. Employees may be retired after 35 years of service regardless of age, if for the good of the service, or at 60 years of age after 10 years of service, or for permanent disability. Separation from the service is automatic at the age of 70 years unless an extension is secured. Contributions are $4 monthly from employees for not more than 25 years, the county contributing an equal amount. The annuity is determined by the amount of these contributions, plus interest, according to tables adopted by the board of retirement.

A rather elaborate system is provided for Minnesota, applicable to cities of 50,000 population or above not under a home-rule charter. The system is contributory, and the age of retirement is from 60 to 65 years for men and 58 to 63 years for women. The maximum allowance is paid after 30 years of service, and 20 years service is necessary to secure retirement. Amounts range from 40 to 60 per cent of the average salary for the 10 years preceding, not over $600 in any case, or $500 in the labor class. Provision is made for disability retirement and individual accounts are kept. Deductions range from 3 to 8 per cent of the salary according to the age at entrance upon the service.

The United States retirement system applies to Federal employees in the classified civil service.

The system is contributory, the employees giving 2½ per cent of their salary. Age of retirement is 70 years after not less than 15 years of service, though mechanics, city and rural letter carriers, and post-office clerks are eligible at 65 years, and railway postal clerks at 62 years, all after 15 years' service. The maximum annuity is $720, payable after 30 years of service, and varying with the salary received.

Following is a list of the laws, their scope, and whether contributory or noncontributory:

California.—Acts of 1919, ch. 373 (am. 1921, ch. 819). County employees; contributory.

Connecticut.—Acts of 1923, ch. 119 (am. 1923, ch. 217). State employees; noncontributory.

Illinois.—R. S., ch. 24, secs. 741–750; ch. 34, secs. 157–167 (am. 1921, p. 388); Acts of 1921, p. 203 (am. 1923, p. 204). Employees of municipalities of over 100,000 population; of counties of over 150,000 population; of cities of over 200,000 population; all contributory.

Indiana.—Acts of 1923, ch. 10. Employees of public utilities in cities of second class of over 50,000 inhabitants; contributory.

Maine.—Acts of 1919, ch. 38 (am. 1923, ch. 199). State employees; noncontributory.

Massachusetts.—G. L., ch. 32 (am. 1921, chs. 439, 487; 1923, chs. 190, 205, 426, 458; 1924, ch. 264). Employees of State, of counties, and of cities and towns; contributory.

Minnesota.—Acts of 1919, ch. 522. Employees of cities of 50,000 or over; contributory.

New Jersey.—Acts of 1915, ch. 234 (am. 1917, ch. 91). Acts of 1921, ch. 109 (am. 1923, chs. 103, 139; 1924, chs. 170, 261). Employees of counties, cities, towns, boroughs, villages, and of the State; contributory.

New York.—Acts of 1920, ch. 427; ch. 741 (am. 1921, chs. 207, 365; 1924, chs. 618, 619, 620). Employees of the city of Greater New York; civil service employees of the State; contributory. Acts of 1922, ch. 591 (am. 1923, ch. 708; 1924, ch. 48). Employees of counties, cities, towns, and villages; contributory.

Pennsylvania.—Statutes, secs. 3142–3153; 3920–3931; Acts of 1923, No. 331. Employees of cities of the first class; of cities of the second class; and of the State; contributory.

Philippine Islands.—Acts of 1916, No. 2589. Civil service employees; non-contributory.

Porto Rico.—Acts of Spec. Sess, 1923, No. 22. Civil service employees; contributory.

Rhode Island.—Acts of 1923, ch. 2374. Employees of the City of Providence; contributory.

United States.—C. S., 1916, 1923 Supp., secs. 3287½–3287½vv. Employees in the classified civil service; contributory.

COOPERATIVE ASSOCIATIONS

Many States have special laws providing for the formation of cooperative associations for profit. So far as productive associations are concerned, the intention of these laws is to provide for the formation of industrial undertakings by groups of persons associated to manage a business in corporate form, the labor of which shall be furnished largely or exclusively by the members themselves. The laws of the various States vary considerably in detail, but the essential features are so similar that no summary or digest is necessary.

There has been a great increase in later years in the number of cooperative associations created for the purpose of marketing and distributing farm produce and general merchandise. However, as these associations, though formed for profit, do not bring up the relation of employer and employee in such a sense as do the industrial cooperative associations, they have been omitted from this compilation.

As fairly representative of the industrial class of laws, the characteristic provisions of the law of Illinois are reproduced below:

ILLINOIS—REVISED STATUTES

CHAPTER 32.—*Cooperative associations*

SECTION 103. *Mode of incorporation.*—Whenever any number of persons not less than three nor more than seven, may desire to become incorporated as a cooperative association for the purpose of prosecuting any branch of industry, they shall make a statement to that effect under their hands and seals, duly acknowledged before some officer in the manner provided for the ackuowledgment of deeds, setting forth the name of the proposed corporation, its capital stock, its location, and duration of the association, and the particular branch of industry which they intend to prosecute, which statement shall be filed in the office of the secretary of State. The secretary of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of such association, at such time and place as they may determine. No license shall be issued to two associations of the same name. The name of the city, village or town in which the association may be located shall form no part of the name.

SEC. 104. *But one share of stock to be held.*—No person shall be permitted to subscribe more nor less than one share to the capital stock of such association, nor shall any person be permitted in any manner to own or control more or less than one share in such association.

SEC. 105. *Organization.*—As soon as ten shares or more of the capital stock shall be subscribed, the commissioners shall convene a meeting of the subscribers for the purpose of electing directors, adopting by-laws and transacting such other business as shall properly come before them. * * *

SEC. 107. *Powers.*—Associations formed under this act shall be bodies corporate and politic for the period for which they are organized, may sue and be sued, may have a common seal, which they may alter or renew at pleasure; may own, possess and enjoy so much real and personal estate as shall be neces-

sary for the transaction of their business, and may sell and dispose of the same when, in the opinion of the shareholders, it is not required for the uses of the association. They may borrow money at legal rates of interest, and pledge their property, both real and personal, to secure payment thereof, and may have and exercise all powers necessary and requisite to carry into effect the objects for which they may be formed.

SEC. 108. *Board of directors.*—The corporate powers shall be exercised by a board of directors, the number of which shall be fixed by the by-laws of the association, but the number may be increased or diminished by a majority of the shareholders at any properly called meeting. The officers of the association shall consist of a president, vice-president, secretary and treasurer, to be elected by the shareholders at their annual meeting as may be provided for in the by-laws of the association; who shall be elected at some regular meeting of the shareholders as may be by by-laws provided. All by-laws of the association shall be adopted by the shareholders of the association.

SEC. 110. *Value of shares.*—The shares of stock shall not be less than $50 nor more than $2,000 per share, and subscriptions therefor shall be made payable to the association, and in installments, and at such time or times as shall be determined by the shareholders, and an action may be maintained in the name of the association to recover any installment which shall remain due and unpaid for the period of thirty days after personal demand therefor; * * * Whenever a share of stock shall be forfeited, such share shall then become the property of the association and may be reissued to any person not already holding a share. But any proceeds received from such reissue over and above the amount due on said share by the association shall be paid to the delinquent shareholder.

SEC. 111. *Assignments, liability, etc.*—Every assignment or transfer of stock on which there remains any portion unpaid shall be recorded in the books of the association, and each shareholder shall be liable jointly with the association as well as severally for the debts of the association to the extent of the amount that may be unpaid upon the share held by him. No assignor of a share shall be released from any such indebtedness by reason of any assignment of his share, but shall remain liable therefor jointly with the assignee and the association, or severally, until the stock is fully paid up. Every assignee of a share shall be liable for the amount unpaid thereon, the same as if he had been an original shareholder. No assignment shall be made to any person who already holds a share. No assignee or transferee of stock shall have any equitable or legal title in the same, or have the right to vote at any shareholders' meeting until such assignment or transfer shall be recorded as above provided for. On no question shall any shareholder have more than one vote.

SEC. 112. *Division of profits.*—All dividends of profits made by any association incorporated under this act shall be made in proportion to the amount of work performed, or product produced by each shareholder, and the association shall decide by by-law whether each shareholder's work or product shall be measured by the piece, or by the day or hour, or may classify the work, and measure some by the piece, some by the day, and some by the hour, as the exigencies of the case may demand. The association shall also provide by by-law how different kinds of piecework shall be rated, and how piecework shall be rated with day or hour work; shall provide how and by whom all kinds of work shall be received as properly executed from the shareholders for the association; shall provide the manner of giving out material to the different shareholders with which to work, and as to what position or location shall be assigned to each shareholder and by whom. Should any shareholder be dissatisfied with the decision upon his work, or with the material given him, or the position or location assigned him, he may appeal to the association at some regular meeting of the shareholders, whose decision shall be final. The association may provide by by-law how such appeal may be conducted. If in any kind of industry it should be impossible to assign all shareholders to equally advantageous positions or locations in work, the association may provide that shareholders shall periodically change places, or provide any other method of equalizing such matters in accordance with justice and equity.

SEC. 113. *Employment of labor.*—It shall be unlawful for the association to hire any person to engage in the principal business for which the association was organized to prosecute, it being the intent of this act that such labor shall be performed by the shareholders of the association to preserve the cooperative feature. It shall be lawful for any shareholder, in case he shall be detained from work by sickness of self or family, or very urgent business, to employ

and furnish a competent substitute to perform such labor as would be assigned to the absent shareholder; and in such case the dividends shall be made to such shareholder the same as if he was present performing his labor himself. The association shall not be liable in any manner for the pay of such substitute.

SEC. 114. *Death of shareholder.*—Whenever any shareholder may die, his share shall become a personal asset of his estate, and may be sold by his legal representative to any person, or may be awarded as a dividend of the estate to any person competent to work the share, or to any devisee or legatee competent to work the share, not already a shareholder, and the same may be assigned or transferred in the same manner, and subject to the same regulations prescribed in section 9 [111] of this act. * * *

SEC. 123. *Meeting of directors.*—The board of directors shall hold stated meetings not less frequent than once each month, as may be provided by the by-laws, and when such officers shall be present at any meeting, however called or notified, or shall sign a written consent on the record of such meeting, the acts of such meeting shall be as valid as if legally called and notified. All directors' meetings must be held within the limits of this State.

SEC. 124. *Meetings of shareholders.*—The shareholders of every association shall hold regular meetings not less frequently than once each month as may be provided by the by-laws, * * *.

SEC. 125. *By-laws, voting, etc.*—No by-law shall be adopted, amended, or repealed, except by an affirmative vote of a majority of all the shareholders entitled to vote. * * *.

The following States have laws of this class:

Alabama.—Code, secs. 7046–7061.
Alaska.—Acts of 1917, ch. 26.
Arkansas.—Acts of 1921, ch. 632.
California.—Civ. C., secs. 653a–653l (am. 1921, ch. 170).
Colorado.—C. L., secs. 2413–2417.
Connecticut.—G. S., secs. 3600–3607 (am. 1921, ch. 115; 1923, ch. 110).
Florida.—R. G. S., secs. 4421–4426.
Illinois.—R. S., ch. 32, secs. 103–127.
Indiana.—A. S., secs. 4359a–4359e.
Iowa.—Supp. 1915, secs. 1641–r1–1641–r20 (am. 1921, ch. 251).
Kansas.—G. S., secs. 2299–2302 (am. 1917, ch. 126).
Kentucky.—Acts of 1918, ch. 159.
Massachusetts.—R. L., ch. 157, secs. 1, 2.
Michigan.—Acts of 1917, No. 239.
Minnesota.—Acts of 1919, ch. 382 (am. 1923, ch. 326).
Montana.—R. C., secs. 6375–6396.
Nebraska.—C. S., secs. 642–670.
Nevada.—R. L., secs. 1249–1260.
New Jersey.—C. S., pp. 1580–1584.
New York.—Acts of 1913, ch. 454 (am. 1920, ch. 591; 1921, ch. 359).
North Dakota.—Acts of 1917, ch. 97 (am. 1921, ch. 43).
Oklahoma.—Acts of 1919, ch. 147 (am. 1923, ch. 167).
Oregon.—Laws, secs. 6954–6981 (am. 1923, ch. 25).
Pennsylvania.—Statutes, secs. 5520–5542.
Porto Rico.—Acts of 1920, No. 3.
South Carolina.—Acts of 1915, ch. 152.
South Dakota.—R. C., secs. 8837–8853 (am. 1919, ch. 140; 1921, ch. 153; 1923, chs. 126, 127, 131).
Vermont.—G. L., sec. 4897.
Virginia.—Code, sec. 3855 (am. 1920, ch. 382).
Washington.—Acts of 1913, ch. 19.
Wisconsin.—Statutes, secs. 185.01–185.23.
Wyoming.—Const., art. 10, sec. 10; acts of 1915, ch. 145.

CREDIT UNIONS

Voluntary associations exist in considerable numbers providing for a loan fund for the benefit of members, the fund being maintained by their own contributions. The law of New Jersey (ch. 48, acts of 1924) provides for the incorporation and regulation of such unions,

the membership to be "composed exclusively of employees having a common employer and whose place of employment is located within a county of this State." However, the law can not be classed as a labor law, as it contemplates no interchange of responsibility or interest between the employer and the employees entering into the organization. Supervision is in the hands of the commissioner of banking and insurance of the State, the organization being a financial corporation of restricted membership and prescribed capacities.

A Mississippi statute on the same subject approximates the idea as to membership by prescribing that such organizations shall be formed "only within groups which have a common bond of occupation, association, or residence within a well defined neighborhood, small community, or rural district." (Ch. 177, acts of 1924.) A like law of Louisiana contains a similar limitation. (No. 40, acts of 1924.) The laws of the other States lack even so much of a labor aspect.

STATE CONDUCT OF BUSINESS

Laws authorizing the States to engage in lines of business ordinarily left to private enterprise are not labor laws in the sense of affecting the relation or status of employers and employees; however, they have a direct industrial aspect and the few existing laws in this field are therefore noted.

No decision as to their constitutionality is at hand, and it is not at all certain that decisions as to the authority of the municipalities to engage in business are in point, as such political subdivisions lack the sovereign power that inheres in the States. However, it may be noted that ordinances looking toward the maintenance of a municipal ice plant in Kansas City, Mo., which would also sell to private consumers; of the city of Waycross, Ga., authorizing the city to engage in the plumbing business and furnish supplies for the operation of a municipal waterworks system; of a city in Virgina proposing to operate a stone quarry in connection with the construction and maintenance of its streets; and of cities in Massachusetts and Michigan looking toward the establishment of municipal fuel plants, have all been declared unconstitutional, the ground being that municipal corporations may not engage in private business or use public money in business ventures in fields of customarily private undertakings. In the Missouri case it was said that even though the city charter might have permitted the action, both the common law and the constitution of the State forbade the levying and collection of taxes by a city for any private purpose or business. (State *v.* Orear, 277 Mo. 303, 210 S. W. 392; Keen *v.* Mayor of Waycross, 101 Ga. 588, 29 S. E. 42; Bradford *v.* Clark, 113 Va. 199, 73 S. E. 571; In re Municipal Fuel Plants, 182 Mass. 605, 66 N. E. 25; Baker *v.* Grand Rapids, 142 Mich. 687, 106 N. W. 208.)

On the other hand the Supreme Court of Maine upheld a law authorizing the operation of fuel yards by cities and towns (Laughlin *v.* City of Portland, 111 Me. 486, 90 Atl. 318); while the Supreme Court of Georgia upheld the establishment of an ice factory to be operated in connection with a going municipal lighting plant (Holton *v.* City of Camilla, 134 Ga. 560, 68 S. E. 472).

The State laws on the subject are:

Arizona.—Initiated act of 1914, p. 19, appendix to session laws of 1915.
Kansas.—Acts of extra session 1920, ch. 29 (sec. 20).
North Dakota.—Acts of 1919, ch. 151; extra session, 1919, ch. 43.
South Dakota.—Constitution, art. 13, secs. 9–16; art. 29, sec. 1.

The Arizona statute is general, authorizing the State board of control to use the general fund of the State whenever in its judgment it shall be for the best interest of the State to establish and operate any manufacturing establishment or institution to manufacture and market any natural product existing in or upon the public lands of the State; to operate water plants, gas plants, printing plants, etc., all work thereon and on other State constructions to be done without the letting of contracts, but by the State, "by days' pay."

The Kansas laws is a single provision of the Industrial Court Act, undertaking to authorize the industrial court to take over and operate the industries, employments, public utilities, and common carriers to which the act applies in case of the suspension, limitation, or cessation of such operation if it shall appear to the court that the public welfare and public peace or public health are endangered by such suspension, etc.

In North Dakota an industrial commission is created with authority to manage, operate, control, and govern all utilities, industries, enterprises, and business projects of the State except those carried on in penal, charitable, and educational institutions. An appropriation is made available for the commission to use according to its judgment. An act of the special session of 1919 authorized the governor to operate coal mines and public utilities where the cessation of such operation on account of strikes or lockouts threatened to endanger the life and property of the people of the State.

In South Dakota the authorization is entirely in the constitution, amendments thereto having been proposed by the special session of 1918, and subsequently adopted by the people of the State. The legislature, by a two-thirds vote, may authorize the construction and maintenance of good roads and the supply of coal; the manufacture, distribution, and sale of cement and cement products, together with the operation of such means of transportation, etc., as are necessary to enable the business to be carried on; the manufacture, distribution, and sale of electric current for heating, lighting, and power purposes; or engaging in any work of public improvement; also the legislature may appropriate money for the construction and operation of elevators and warehouses, and may construct and operate flour mills and packing houses within the State if in its judgment the public necessities may so require.

PREFERENCE FOR LOCAL LABOR AND DOMESTIC MATERIALS ON PUBLIC WORKS

Expressive of a purpose to benefit local labor and industries are the laws of several States declaring a preference for the employment of citizens and the purchase of domestic products in the prosecution of public works or procuring public supplies. Such laws may even prohibit the employment of aliens (in some States specifically of Chinese), a provision which would be invalid if applied to private employments (Truax *v.* Raich (1915), 239 U. S. 33, 36 Sup. Ct. 7);

and it has even been so held when public employment was under consideration, on the ground that the statute denied the equal protection of the laws guaranteed by the fourteenth amendment to all persons within the jurisdiction of the United States regardless of nationality (Ex parte Case (1911), 20 Idaho 128, 116 Pac. 1037); but on the ground that the States are units of which those not citizens are not members, and that they may dictate the terms on which they will expend their own money, it is authoritatively held that laws containing such restrictions are valid as regards contracts for public works (Heim *v.* McCall (1915), 239 U. S. 175, 36 Sup. Ct. 78). In expending public funds, the legislature may have contemplated the employment of local labor as tending to prevent pauperism within the State, and was within its powers in so providing (People *v.* Crane (1915), 214 N. Y. 154, 108 N. E. 427; Aff. 239 U. S. 195, 36 Sup. Ct. 85).

Laws of this class exist in the following jurisdictions:

Materials

Florida.—Acts 1923, ch. 9146.
Minnesota.—Acts of 1915, ch. 211.
Missouri.—R. S. 10390.
Oregon.—Laws, secs. 2992–2994.
Porto Rico.—Acts of 1915, No. 13.
Washington.—Acts 1911, Senate J. R. No. 10.
United States.—C. S. secs. 6859, 6876, 6879.

Labor

Arizona.—Const., Art. XVIII, sec. 10; R. S., sec. 3105; acts of 1919, ch. 174, sec. 46.
California.—Const., art. 19, sec. 3; Pol. Code, secs. 3235, 3247 (added 1897, ch. 149); acts of 1915, ch. 417 (am. 1921, ch. 366).
Florida.—Acts of 1923, ch. 9146.
Hawaii.—R. L., secs. 157 (am. 1923, No. 19), 160.
Idaho.—Const., art. 13, sec. 5; C. S., sec. 2323.
Louisiana.—Acts of 1899, No. 6; acts of 1908, No. 271.
Maine.—R. S., ch. 49, sec. 36.
Massachusetts.—G. L., ch. 149, sec, 26, 179a (added 1922, ch. 517).
Nevada.—R. L. 1919, p. 2965.
New Hampshire.—Acts 1915, ch. 45.
New Jersey.—C. S., p. 3023, sec. 15.
New York.—Acts of 1921, ch. 50, sec. 222.
Oregon.—Laws, secs. 2995–3000.
Pennsylvania.—Statutes, sec. 18268.
Utah.—C. L., sec. 4865.
Washington.—Acts of 1919, ch. 111.
Wyoming.—Const., Art. XIX, secs. 1, 2.
United States.—C. S., secs. 6859, 6876, 6879.

The prohibition against the employment of aliens, or at least those who have not declared their intentions of citizenship, is absolute in Arizona, California (emergencies due to fire, flood, or other calamity due to natural causes excepted), Idaho, New Jersey, and Wyoming.

PUBLIC PRINTING TO BE DONE WITHIN THE STATE

Like the above, the provision found in the laws of a number of States requiring public printing to be done within the State is doubtless intended in part to favor local industry. The practice is

much wider than the statutory requirement. In some States a proviso is added allowing bids from outside the State to be secured where the difference in cost would seem to warrant, or where there appears to be a combination in the State to maintain prices and prevent free competition. The Mississippi statute was held constitutional by the supreme court of that State. (Dixon-Paul Printing Co. *v.* Board (1918), 77 So. 908).

The following States have laws directing printing to be done within the State:

Arkansas.—Digest, sec. 9207.
Florida.—R. G. S., sec. 1304.
Idaho.—C. S., secs. 2335–2337.
Illinois.—R. S., ch. 127, sec. 16.
Kentucky.—Statutes, sec. 3954.
Minnesota.—G. S., sec. 4936.
Mississippi.—Code, sec. 3739 (am. 1916, ch. 135.)
Missouri.—R. S., sec. 9700.
New Hampshire.—Acts, 1901, ch. 84 (am. 1913, ch. 132).
New Jersey.—C. S., 4205, sec. 3.
North Dakota.—R. C., secs. 2282 (am. 1907, ch. 185).
Ohio.—G. C., sec. 763 (am. 1911, p. 448).
Tennessee.—Code, sec. 39a.
Texas.—R. S., art. 6340.

Of these States, the following make provision for bids from outside the State when one or both the conditions named above exist:

Arkansas, Idaho, New Hampshire, North Dakota (allows a difference of 15 per cent), and Tennessee.

The following States, etc., have provided for public printing offices:

California.—Pol. C., secs. 526–540.
Iowa.—Code, sec. 117; Supp., secs. 118–144d.
Kansas.—Const., art. 15, sec. 256; G. S., secs. 10792–10820.
Nevada.—R. L., secs. 4305–4340.
Oregon.—Const., Art. XII, sec. 1; Laws, secs. 2780–2795.
Philippine Islands.—Acts of Phil. Com., No. 296.
Porto Rico.—Pol. C., sec. 2718.

RATES OF WAGES OF EMPLOYEES ON PUBLIC WORKS

Laws designating the rates of wages to be paid employees on public works are significant as an attempt on the part of the State to regulate employment conditions. Such laws may either name a fixed sum or direct that not less than current rates be paid. Some of these laws have been declared unconstitutional by the courts, either because of their infringing on the right to contract or because they were discriminatory in their nature.

In a New York case (People ex. rel. Rodgers *v.* Coler (1901), 166 N. Y. 1, 59 N. E. 716), a contractor sued to compel payment on a contract for work done, in the performance of which he had paid less than the current wages. The act of the legislature requiring that rates of wages on public work be not less than the prevailing rates in similar employments in the locality in which the work was done was declared unconstitutional as invading the rights of liberty and property, denying to the city and to contractors the right to agree with their employees as to the amount of compensation to be paid. The statute was also condemned as penalizing acts that are in themselves innocent and harmless. Later (Ryan *v.* City of New York

(1904), 177 N. Y. 271, 69 N. E. 599), the attitude indicated above was modified to the extent of holding that the city was governed by this law in so far as it related to direct employment by the municipalities, though it was void as to contractors, who must simply effect specified results, and who are at liberty to make contracts freely with their workmen. The Supreme Court of Indiana in 1903 took the view expressed in the Rodgers case above, holding that cities, etc., might also contract without interference by the statute (Street *v.* Varney Elec. Co., 60 Ind. 338, 66 N. E. 895).

The foregoing decisions are opposed to a decision of the Supreme Court of the United States (Atkin *v.* Kansas (1903), 191 U. S. 207, 24 Sup. Ct. 124), to the effect that municipalities are but the agent of the State for the performance of certain duties best attended to locally, and that it rests with the State to make such conditions for contractors as it may choose, the contractor being free or not to accept such terms; but if he undertakes work for the State or a municipality, both he and the municipality must conform to the conditions laid down by the State. The people of the State of New York later adopted an amendment to the constitution conferring on the legislature power to act in the manner previously attempted, regulating the conditions of employment, whether the work be done by the city directly or by a contractor. The legislature then passed another law which has since been declared constitutional. (People ex rel. Williams Eng. and Const. Co. *v.* Metz (1908), 193 N. Y. 148, 85 N. E. 1070).

The doctrine of the Atkin Case was not found to apply in a case involving the constitutionality of an act of the Legislature of Nebraska (ch. 17, acts of 1909) which undertook to regulate the conditions of employment on the public works of cities of a designated class, naming $2 as the rate of daily pay. This was given as one of the reasons for holding the act unconstitutional, since "no fixed rate of wages should be provided by the legislature without reference to the going wages for that kind of work at the time and place where it is to be performed" (Wright *v.* Hoctor (1914), 95 Nebr. 342, 145 N. W. 704). This was on the ground that the law favored one citizen at the expense of another, taking the property of the latter without due process of law. Another decision falling in this group is one of the Supreme Court of Pennsylvania declaring invalid a stipulation in a contract of the city of Reading fixing $1.50 as the minimum daily wage to be paid by contractors for public works (Frame *v.* Felix (1895), 167 Pa. 47, 31 Atl. 375). It was held that this provision was a violation of the law that required such contracts to be let to the lowest responsible bidder, wages being one of the essential elements of the work, every part of which must be subject to competition. It is recognized under the decision in the Atkin Case, however, that a law properly based and enacted, fixing rates of wages on public works is valid legislation.

The States having laws on this subject are (laws relating only to highway labor omitted) the following:

Arizona.—R. S., sec. 3103.
California.—Code, G. L., No. 2894.
Hawaii.—Acts of 1919, No. 218.
Maryland.—P. L. L. (Baltimore), Art. 4, sec. 31a (am. 1910, p. 642).
Massachusetts.—G. L., ch. 149, secs. 26, 27.

New York.—Acts of 1921, ch. 50, sec. 220 (am. 1921, ch. 642).
Oklahoma.—R. L., sec. 3757.
Porto Rico.—Acts of 1923, No. 11.
United States.—C. S., sec. 6765.

HOURS OF LABOR ON PUBLIC ROADS

The laws designating the hours of labor on public roads apply principally to the working out of taxes and relate less to the employment of labor than to regulations adopted by the people through their representatives for the determination of the time of their own service in this particular. They are significant, however, as indicating what is considered a day's labor in a form of public work, though they establish a minimum day rather than fix a limit beyond which labor is forbidden.

The hours of labor prescribed by the laws of the various States, etc., which have laws on this subject are as follows:

Eight hours

Alaska.—C. L., sec. 36.
Arkansas.—Digest, sec. 5348.
California.—Acts of 1917, ch. 52, sec. 35.
Indiana.—Acts of 1923, ch. 194, sec. 3.
Iowa.—Code, sec. 1535.
Kentucky.—Statutes, sec. 4329 (am. 1918, ch. 23).
Mississippi.—Code, sec. 4416 (am. 1922, ch. 242).
Nevada.—R. L., sec. 3035.
New Jersey.—C. S., p. 4444, sec. 53; p. 4448, sec. 66a–5.
North Dakota.—R. C., sec. 1431.
Oklahoma.—R. L., sec. 7566.
Philippine Islands.—Acts of Phil. Com., No. 1511.
Texas.—Acts of 1913, ch. 68.
Wyoming.—C. S., sec. 2562.

Not less than 7 nor more than 10 hours

North Carolina.—Con. L., sec. 3808.

Nine hours

Tennessee.—Code, sec. 1671.

Ten hours

South Carolina.—Civ. C., sec. 1977.

LIABILITY OF EMPLOYERS FOR TAXES OF EMPLOYEES

Eleven jurisdictions have in their tax laws provisions making employers liable for certain taxes of their employees. The law may require such payment on notice, or it may provide for proceedings in the nature of garnishment before liability attaches. The amounts paid are of course to be deducted from the wages.

In Alaska and Louisiana the laws refer to school taxes only; in Nevada and Washington to poll taxes for general State or local benefit; in North Carolina all taxes are included; in Pennsylvania (sec. 4817) to occupation taxes of employees generally for school purposes, another section (20728) relating to all taxes assessed on alien employees. In the other five States only road taxes are included in the laws.

The list is as follows:

Alaska.—Acts of 1919, ch. 29, sec. 8.
California.—Pol. C., sec. 2671.
Georgia.—Pol. C., sec. 670.
Idaho.—C. S., sec. 1344.
Louisiana.—Acts of 1902, No. 213.
Montana.—R. C., sec. 1620.
Nevada.—R. L., sec. 3718.
North Carolina.—Con. S., sec. 8004.
Pennsylvania.—Statutes, secs. 4817, 20728.
Washington.—Acts of 1921, ch. 174.
Wyoming.—C. S., sec. 2558.

EMPLOYERS TO FURNISH NAMES OF EMPLOYEES TO TAX OFFICIALS

In line with the foregoing legislation is a method adopted in a few States, by which employers are required to furnish the names of their employees to officials of the county, etc., for purposes of taxation. This also is a tax measure rather than a labor law, but imposes a certain duty upon the employer because of his status. The law of Alaska refers to school taxes only, that of Montana, South Carolina, and Wyoming only to road taxes, the laws of the other jurisdictions being more general in their application.

The list of laws of this class is as follows:

Alaska.—Acts of 1919, ch. 29, sec. 8.
Arkansas.—Digest, sec. 10550.
California.—Penal C., sec. 434.
Hawaii.—R. L., sec. 1253.
Idaho.—C. S., sec. 8384.
Montana.—R. C., sec. 1619.
North Carolina.—Con. S., sec. 8004.
South Carolina.—Cr. C., sec. 638.
Washington.—Acts of 1921, ch. 174.
Wyoming.—C. S., sec. 2558.

INTOXICATION, NEGLIGENCE, ETC., OF EMPLOYEES

Several States have laws penalizing the negligence of employees, especially where such negligence involves danger to the public. The common-law liability of the employer for his employee's negligence is not affected, but there is usually a definite penalty attached to the specific act which is enforceable against the employer; while in some cases criminal proceedings against the employee are authorized.

INTEMPERATE EMPLOYEES—INTOXICATION

Laws penalizing employers for having in their service as drivers of public conveyances persons addicted to drunkenness are found in the States named below. The laws also generally require immediate discharge of a driver on complaint of his intoxication.

California.—Pol. Code, secs. 2932, 2933.
Illinois.—R. S., ch. 121, secs. 146, 147.
Michigan.—C. L., secs. 4594, 4595.
Montana.—R. C., secs. 1745, 1746.
Nebraska.—C. S., secs. 2771, 2772.
New Jersey.—C. S., p. 5652, sec. 9.
New York.—Con. L., ch. 25, secs. 322, 323.
North Dakota.—R. C., sec. 1461.
Oklahoma.—R. L., sec. 7637.
Oregon.—Laws, secs. 2253–3, 2253–4.
Wisconsin.—Statutes, secs. 85.19, 85.20.

Similar laws relative to employees on railroads are found in—

Michigan.—C. L., sec. 8294.
New York.—Con. L., ch. 40, sec. 1913.
Ohio.—G. S., secs. 9005, 9006.
Vermont.—G. L., secs. 5252, 5253.

The following-named sections of State laws relate to common carriers and provide penalties on the employees themselves for their intoxication, and may also declare them liable for damages incurred by reason of such intoxication:

Alabama.—Code, sec. 4628.
Arizona.—R. S., P. C., sec. 398.
Arkansas.—Digest, sec. 8590.
California.—Penal C., secs. 369f, 391.
Connecticut.—G. S., sec. 6191.
Florida.—R. G. S., sec. 5574.
Idaho.—C. S., sec. 8349.
Indiana.—A. S., sec. 5301.
Maine.—R. S., ch. 57, sec. 64.
Michigan.—C. L., sec. 8295.
Minnesota.—G. S., sec. 8775.
Mississippi.—Code, sec. 1350.
Missouri.—R. S., secs. 3242, 3243.
Montana.—R. C., sec. 11253.
Nebraska.—C. S., sec. 5414.
Nevada.—R. L., secs. 3564, 6583.
New Jersey.—C. S., p. 4244, sec. 50.
New Mexico.—A. S., sec. 4714.
New York.—Con. L., ch. 40, sec. 1984.
North Carolina.—Con. S., sec. 4420.
North Dakota.—R. C., sec. 9061.
Oklahoma.—R. L., sec. 2537.
Porto Rico.—P. C., sec. 344.
South Dakota.—R. C., sec. 3987.
Utah.—C. L., sec. 8202.
Virginia.—A. C., sec. 4722.
Washington.—C. and S., sec. 2527 (am. 1915, ch. 165).
West Virginia.—Code, sec. 5232.

More general than the above are laws applicable to employees of common carriers, penalizing the racing of steamboats, creating an unsafe amount of steam in boilers, violating rules, or willfully omitting the performance of duty whereby life or safety is endangered or property destroyed. Such conduct is a misdemeanor, and is punishable as such, or by a special penalty; while if actual personal injury results the offense may be a felony.

Laws of this class are found in most jurisdictions, as follows:

Alabama.—Code, secs. 5334, 5533–5536.
Arizona.—R. S., secs. 382, 400.
Arkansas.—Digest, sec. 2363.
California.—Penal Code, secs. 348, 349, 368, 369, 393.
Connecticut.—G. S., sec. 6191.
Florida.—R. G. S., sec. 5573.
Georgia.—Penal Code, sec. 117.
Idaho.—C. S., secs. 8337, 8338, 8351.
Kansas.—G. S., secs. 3383, 3384.
Maine.—R. S., ch. 57, sec. 65; 120, sec. 6.
Massachusetts.—G. L., ch. 160, secs. 230, 231; 265, secs. 30, 31.
Michigan.—C. L., secs. 5389, 5395, 5396.
Minnesota.—G. S., secs. 8614, 8616, 8617, 8777, 8778.
Mississippi.—Code, secs. 1241, 1242, 1341, 1354.
Missouri.—R. S., sec. 3244.
Montana.—R. C., secs. 11195, 11229, 11230, 11255.

Nevada.—R. L., secs. 6408, 6585, 6587.
New Jersey.—C. S., p. 3709, sec. 65.
New York.—Con. L., ch. 37, secs. 16, 23; ch. 40, secs. 1052, 1892, 1893, 1894.
North Dakota.—R. C., secs. 8821, 8822, 8993, 8994, 9062.
Oklahoma.—R. L., sec. 2538.
Oregon.—Laws, sec. 1928.
Pennsylvania.—Statutes, sec. 18540.
Porto Rico.—Penal Code, secs. 325–328 (am. 1916, No. 51).
South Carolina.—Cr. Code, secs. 168, 169, 660, 662.
South Dakota.—R. C., secs. 3988, 4027, 4126.
Tennessee.—Code, secs. 6475–6478, 6482–6486.
Utah.—C. L., secs. 8172, 8175, 8204.
Vermont.—G. L., sec. 5254.
Washington.—C. and S., secs. 2401, 2529, 2532.
West Virginia.—Code, sec. 5180.
Wisconsin.—Statutes, secs. 4357, 4358.

The following States make negligence on the part of the operators of steam boilers a misdemeanor, or a felony if serious personal injury or death results:

Arizona.—R. S., sec. 349.
California.—Penal Code, secs. 349, 368.
Idaho.—C. S., sec. 8337.
Minnesota.—G. S., sec. 8778.
Montana.—R. C., secs. 11195–11198, 11229.
Nevada.—R. L., secs. 6408, 6587.
New York.—Con. L., ch. 40, secs. 1052, 1891, 1893.
North Dakota.—R. C., secs. 8822, 8994.
Pennsylvania.—Statutes, sec. 21730.
Porto Rico.—Penal Code, secs. 325, 326.
South Dakota.—R. C., secs. 4028, 4127.
Utah.—C. L., secs. 8173, 8174.

Laws making it unlawful for intoxicated persons to enter mines, or to carry intoxicants into mines are found in several jurisdictions. The employment as hoisting engineers of persons who are addicted to the use of intoxicants is also forbidden in several States. Following are the States having laws on these subjects:

Alabama.—Code, sec. 4996.
Alaska.—Acts of 1917, ch. 51.
Arizona.—R. S., secs. 4074, 4080.
Idaho.—C. S., sec. 5509.
Illinois.—R. S., ch. 93, sec. 23 (am. 1923, p. 459).
Iowa.—Code Supp., sec. 2489–18a.
Maryland.—Acts of 1922, ch. 307, sec. 172.
Michigan.—C. L., sec. 5557.
Montana.—R. C., sec. 3530.
Ohio.—G. C., sec. 959 (am. 1910, p. 52).
Pennsylvania.—Statutes, sec. 15555.
Utah.—C. L., sec. 3921.
Wyoming.—C. S., sec. 5890.

SABOTAGE AND CRIMINAL SYNDICALISM

Laws penalizing criminal syndicalism, which is defined as "the doctrine which advocates crime, sabotage, or unlawful methods of terrorism as a means of accomplishing industrial or political reform," are of recent enactment in the United States. They are classifiable as criminal laws, severe penalties being provided for the commission of forbidden acts; but as they are directed to the regulation of methods of "industrial reform," while sabotage is defined as "malicious damage or injury to the property of an employer by an

employee," they must be considered, in some degree at least, as labor legislation.

The first statutes of this type were enacted in 1917, Idaho (March 14) antedating Minnesota (April 13) by about a month. The constitutionality of this class of statutes has been challenged, but they have been upheld by various courts. Perhaps the earliest decision was by the Supreme Court of Minnesota in State *v.* Moilen (April 19, 1918), 167 N. W. 345. The California law was also upheld, People *v.* Malley, 194 Pac. 48, as well as others.

Most of the laws enacted are of a standardized form, of which the Minnesota statute may be accepted as representative. It is as follows:

MINNESOTA—ACTS OF 1917

CHAPTER 215.—*Criminal syndicalism*

SECTION 1. *Definition.*—Criminal syndicalism is hereby defined as the doctrine which advocates crime, sabotage, (this word as used in this bill meaning malicious damage or injury to the property of an employer by an employee) violence or other unlawful methods of terrorism as a means of accomplishing industrial or political ends. The advocacy of such doctrine, whether by word of mouth or writing is a felony punishable as in this act otherwise provided.

SEC. 2. *Offenses.*—Any person who by word of mouth or writing, advocates or teaches the duty, necessity or propriety of crime. sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political ends, or prints, publishes, edits, issues or knowingly circulates, sells, distributes or publicly displays any book, paper, document or written matter in any form, containing or advocating, advising or teaching the doctrine that industrial or political ends should be brought about by crime, sabotage, violence or other unlawful methods of terrorism; or openly, willfully and deliberately justifies by word of mouth or writing, the commission or the attempt to commit crime, sabotage, violence or other unlawful methods of terrorism with intent to exemplify, spread or advocate propriety of the doctrines of criminal syndicalism, or organizes or helps to organize or becomes a member or voluntarily assembles with any society, group or assemblage of persons formed to teach or advocate the doctrine of criminal syndicalism, is guilty of a felony and punishable by imprisonment in the State prison for not more than five years or by a fine of not more than $1,000 or both.

SEC. 3. *Assembling.*—Wherever two or more persons assemble for the purpose of advocating or teaching the doctrines of criminal syndicalism defined in this act, such an assemblage is unlawful and every person voluntarily participating therein by his presence, aid or instigation is guilty of a felony and punishable by imprisonment in the State prison for not more than ten years or by a fine of not more than $5,000 or both.

SEC. 4. *Permitting assemblages.*—The owner, agent, superintendent, or occupant of any place, building or rooms who willfully and knowingly permits therein any assemblage of persons prohibited by the provisions of section three of this act, or who, after notification that the premises are so used, permits such use to be continued, is guilty of a gross misdemeanor and punishable by imprisonment in the county jail for not more than one year or by a fine of not more than $500 or both.

Laws of this type, or embodying similar provisions are found in—

Alabama.—Code, secs. 3452–3455.
Alaska.—Acts of 1919, ch. 6.
Arizona.—Extra session, 1918, ch. 13.
California.—Acts of 1919, ch. 188.
Hawaii.—Acts of 1919, No. 186.
Idaho.—C. S., secs. 8580–8583.
Iowa.—Acts of 1919, ch. 382.
Kansas.—Extra session, 1920, ch. 37.
Michigan.—Acts of 1919, No. 255.
Minnesota.—Acts of 1917, ch. 215.

Montana.—R. C., secs. 10740–10744.
Nebraska.—C. S., secs. 9755–9757.
Nevada.—R. L., 1919, p. 3375.
Ohio.—Acts of 1919, p. 189.
Oklahoma.—Acts of 1919, ch. 70.
Oregon.—Acts of 1921, ch. 34.
South Dakota.—R. C., secs. 3644–3647.
Utah.—Acts of 1919, ch. 127.
Washington.—Acts of 1919, chs. 173, 174.

Other laws that may be noted in this connection are one of Hawaii, No. 216, acts of 1921, which is addressed to the subject of publications, etc., intended to advocate or incite the commission of acts of violence, sabotage, etc., directed to the intimidation or coercion of persons engaged in lawful business or of the enjoyment of rights of liberty and property. Foreign-language newspapers must file a copy of each and every such paper or printed document in the office of the attorney general; while books, papers, pamphlets, circulars, and the like relating to the Government or laws of the United States or of the Territory of Hawaii, or to the rights of persons or property, or to racial, industrial, or class questions or conditions, shall be filed in the office of the attorney general of the Territory together with a true and correct English translation thereof, and the name or names and addresses of the author or authors and of the publisher; one of Indiana (acts of 1919, ch. 125) which omits the provisions of the standard law as to the formation and encouragement of organizations, and is directed more specifically to the idea of the general strike; and one of Wyoming (acts of 1919, ch. 76), which also omitted reference to organizations, but provides penalties for inciting or encouraging crime as a means of coercion for the accomplishment of political and industrial changes "in any manner or by any means."

INDUSTRIAL POLICE

The appointment of special police at the request of individuals and corporations for the purpose of the preservation of order in or about specified places or for the protection of property is authorized by law in several States. Such police are to be appointed by the governor or other official, and are usually required to wear a badge bearing the words "Railroad Police," "Steamboat Police," "Coal and Iron Police," or the like, except when engaged in detective service. They are to be paid by the parties requesting their appointment, but are subject to the orders of the State or local authorities. Such persons may or may not be employees of the person or corporation applying for their appointment as police officers.

Laws conferring on railroad conductors, etc., the power of making arrests of disorderly persons on their trains, and laws providing for the appointment on motion of the proper authorities of added officers of the peace in time of riot or other disorder are not considered under this head.

The provisions of the statute of Connecticut as to the appointment of special officers for the protection of industrial property and the maintenance of order in the vicinity, are here reproduced as representative of this class of laws:

CONNECTICUT—GENERAL STATUTES

SECTION 80. *Public service corporations.*—The governor may upon the application of any electric, gas, telephone, telegraph, or water company owning, leasing, maintaining, managing, or controlling any property, plant, or equipment, in this State, commission, during his pleasure, one or more persons designated by such company who, having been sworn, may act at the expense of such company as policemen upon the premises used or occupied by such company in its business, or upon any highway adjacent to such premises, for the proper protection of such plant or property, and every policeman so appointed may arrest any person in his precincts for any offense committed therein, and take such person before some proper authority. The superintendent of State police may exercise such supervision and direction over any policeman appointed as herein provided as he may deem necessary. When any commission is issued to any such policeman, or revoked, the executive secretary shall notify the clerk of the superior court of each county in which it is intended that such policeman shall act.

SEC. 81. *Railroads, etc.*—[This section makes identical provision with the above for appointments on the application of railroad, street railway, or steamboat companies, or of corporations owning or having control of the roads in any private residence park.]

SEC. 82. *Shield.*—Every such policeman shall, when on duty, wear, in plain view, a shield bearing the words "railroad police," "street railway police," or "steamboat police," as the case may be, and the name of the company for which he is commissioned.

SEC. 357. *To be citizens.*—No person not a citizen of this State shall be appointed a special constable or policeman. But this provision shall not be construed to prevent the governor appointing any regular employee of any railroad or steamboat company a special officer.

The person or other agency procuring the appointment may be made responsible for any abuse of authority; or the appointee may be required to give bond to cover such liability. Following is a list of the States having laws on this subject, with a statement of their application, and the provision for liability, if any:

Alabama.—Code, secs. 9993–10003. Railroads and street railways. Governor appoints. Appointees give bond.

California.—Penal Code, p. 652. Railroad and steamboat companies. Governor appoints. Employers liable.

Connecticut.—Text above.

Florida.—Acts of 1921, ch. 8539. Common carriers. Governor appoints. Appointees give bond.

Indiana.—A. S., sec. 8783. Any person or corporation. Commissioners of public safety appoint.

Maryland.—A. C., art. 23, secs. 406–411. Railroad, steamboat, canal, furnace, colliery, or rolling mill corporations. Governor appoints.

Massachusetts.—G. L., ch. 159, secs. 89–95. Railroad, street railway, and steamboat companies. Mayor or selectmen appoint. Employers liable.

Nevada.—Acts of 1921, ch. 163. Railroad companies. Governor appoints. Employers liable.

New Jersey.—C. S., p. 369, sec. 4 (am. 1922, ch. 153). Railroad, street railway, canal, or steamboat companies. Governor appoints.

New Mexico.—Acts of 1921, ch. 141. Railroad companies. Governor appoints. Bond required and employers liable.

New York.—Con. L., ch. 49, sec. 88 (am. 1924, ch. 668). Railroad and steamboat companies. Superintendent of State police appoints.

North Carolina.—Con. S., secs. 3484–3488 (am. 1923, ch. 23). Steam and electric roads, electric, water-power, construction, or manufacturing companies. Governor appoints. Appointees give bond.

North Dakota.—R. C., secs. 9750, 9751. Railroad companies. Company appoints.

Ohio.—G. C., secs. 9150–9155 (am. 1921, p. 40). Banks, building and loan associations, railroad, street railway, suburban and interurban railroad companies. Governor appoints.

Oregon.—Laws, secs. 5969, 5970. Railroad and steamboat companies. Governor appoints. Employers liable.

Pennsylvania.—Statutes, secs. 6231–6236. Street railway companies. Mayor or justice of the peace appoints. Secs. 18542–18548. Railroad, coal and iron companies. Governor appoints.

Rhode Island—G. L., ch. 134, secs. 1–7. Common carriers. Governor appoints. Employers liable.

South Carolina.—Civ. C., secs. 1149–1153. Any industrial corporation. Sheriff appoints. Appointees give bond, which is sole recourse. Secs. 2578–2581. Common carriers. Governor appoints. Appointees give bond; employers also liable.

South Dakota.—R. C., sec. 9720. Railroad companies. Companies appoint and are liable.

Vermont.—G. L., secs. 5258–5262. Railroad companies. Selectmen appoint. Employers liable.

Virginia.—Code, secs. 3944, 4025. Railroad and steamship companies. Companies appoint with the approbation of a circuit or corporation court. Secs. 4804, 4805. Manufacturing companies. Circuit court, or judge in vacation, appoints. Appointees give bond.

Washington.—Acts of 1915, ch. 118. Steam and electric railroad companies. Governor appoints. Employers liable.

ARMED GUARDS

In line with legislation authorizing the appointment of special or industrial police at the request of individuals and corporations for the purpose of the preservation of order in or about specified places or for the protection of property, is another form of legislation forbidding the hiring or employing of armed guards for the same purpose, unless they are citizens or residents of the State, or have secured special permits for the purpose. Only nine States have such laws, and no legislation has been enacted since 1913.

The law of the State of Colorado on this subject is reproduced herewith as being fairly representative of laws of this class:

COLORADO—COMPILED LAWS

SECTION 4158. *Hiring armed guards.*—Any person or persons who shall hire, aid, abet or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind other persons or property in this State, or any person or persons who shall come into the State armed with deadly weapons of any kind for any such purpose, without a permit in writing from the governor of this State, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years: *Provided*, That nothing contained in this act shall be construed to interfere with the right of any person, persons, or company, corporation, society, association or organization in guarding or protecting their private property or private interests, as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising or deceptive representations, or brought into this State under arms, or removed from one place to another in this State, under arms.

The foregoing is practically the language of the laws of Alaska, Oklahoma, and Tennessee on this subject, being a part of a statute penalizing employment under misrepresentation or fraud. In the other jurisdictions the provision is an independent one and is directed simply to the importation or employment of others than citizens as guards, unless they are regular employees.

The following States have laws of this class:

Alaska.—Acts of 1913, ch. 36, sec. 3.
Arkansas.—Digest, sec. 2793.
Colorado.—C. L., sec. 4158.
Massachusetts.—G. L., ch. 149, secs. 176, 177.

Missouri.—R. S., sec. 3484
Oklahoma.—R. L., sec. 3767.
Tennessee.—Code, sec. 4338a–3.
Washington.—C. and S., sec. 2775.
Wisconsin.—Statutes, sec. 4575b.

TRADE-MARKS OF TRADE-UNIONS

The laws of 43 States secure to labor organizations the right to register, use, and protect from counterfeit or unauthorized use the trade-marks or labels chosen by them to distinguish the products of union labor from other goods or manufactured articles.

The law of the State of Connecticut on this subject is reproduced herewith, as being fairly representative of laws of this class:

CONNECTICUT—GENERAL STATUTES

SECTION 4815. *Imitation: penalty.*—Whenever any person, or any association or union of workingmen, has adopted or used, or shall adopt or use, any label, trade-mark, term, design, device, or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor as having been made, manufactured, produced, prepared, packed, worked upon, or put on sale by such person or association or union of workingmen, or by a member or members of such association or union, and shall have recorded such label, trade-mark, term, design, device, or form of advertisement as provided in section 4816, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark, term, design, device, or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate, any counterfeit or imitation of such label, trade-mark, term, design, device, or form of advertisement. Every person willfully and knowingly violating any provision of this section shall be fined not less than $100 nor more than $200 or imprisoned not less than three months nor more than one year or both.

SEC. 4816. *Label to be filed with secretary.*—Every such person, association, or union that has adopted or shall adopt a label, trade-mark, term, design, device, or form of advertisement may file the same for record in the office of the secretary of the state by leaving two copies, counterparts or facsimiles thereof, with the secretary of the state. Said secretary shall deliver to such person, association, or union so filing the same a duly attested certificate of the record of the same. Such certificate of record, or a duly certified copy thereof, shall, in all suits and prosecutions under sections 4815, 4819, 4820, and 4821, be sufficient proof of the adoption of such label, trade-mark, term, design, device, or form of advertisement, and of the right of said person, association, or union to adopt the same. No label shall be recorded that would probably be mistaken for a label already of record.

SEC. 4817. *Regulation to be made.*—The insignia, flag, ribbon, badge, rosette, seal, button, or emblem of any society, association, labor union, or incorporated club may be filed and registered in the office of the secretary of the State, in the manner and subject to the provisions of section 4816 so far as the same are applicable, and the secretary of the State may make regulations and prescribe forms for such registration.

SEC. 4819. *Injunction against wrongful use of label.*—Every such person, association or union adopting a label, trade-mark, term, design, device or form of advertisement and having duly recorded the same as hereinbefore provided may enjoin the manufacture, use, display or sale of any counterfeit or imitation thereof, or the sale of goods bearing any counterfeit or imitation thereof, either in its identical form or in such near resemblance thereto as is calculated or liable to deceive; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display, or sale, and shall award the complainant in such suit, such damages, resulting from such wrongful manufacture, use, display, or sale, as may by said court be deemed just and reasonable and shall require the defendants to pay to such person, association, or union the profits derived from such wrongful manufacture, use, display, or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any de-

fendant in such case be delivered to an officer of the court or to the complainant to be destroyed.

SEC. 4820. *Unauthorized use of label.*—Every person who shall use or display the genuine label, trade-mark, term, design, device, or form of advertisement of any such person, association, or union, which shall have been duly recorded as hereinbefore provided, in any manner not authorized by such person, union, or association, knowing that such use or display is not so authorized, shall be fined not less than $100 nor more than $200 or imprisoned not less than three months nor more than one year or both. In all cases where such association or union is not incorporated suits under sections 4815, 4819, and 4821 and this section may be commenced and prosecuted by any officer or member of such association or union, in behalf of and for the use of such association or union.

SEC. 4821. *Unauthorized use of name or seal.*—Every person who shall in any way use the name or seal of any such person, association, or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized so to use the same, and knowing that such use is unauthorized, shall be fined not less than $100 nor more than $200 or imprisoned not less than three months nor more than one year or both.

The courts have differed as to the effect of this class of legislation, though its constitutionality has been repeatedly sustained (Cohn *v.* People (1894), 149 Ill. 486, 37 N. E. 60; State *v.* Bishop (1895), 128 Mo. 373, 31 S. W. 9; Perkins *v.* Heert (1899), 158 N. Y. 306, 53 N. E. 18). Whether or not the union label can be classed as a trade-mark rests with the definition given the latter term. In Connecticut, Indiana, Massachusetts, and New York the language of the law defining trade-marks is broad enough to include the union label. In Minnesota (Cigar Makers *v.* Conhaim, 40 Minn. 243, 41 N. W. 943) it was said that the union label can not be protected as it does not indicate any individual manufacturer nor point distinctly to the origin or ownership of the article to which it is applied. A similar conclusion was reached by the courts of Pennsylvania (McVey *v.* Brendel, 144 Pa. St. 235, 22 Atl. 912) and Massachusetts (Weener *v.* Brayton, 152 Mass. 101, 25 N. E. 46), the court in the latter case saying that as the mark or label is not itself property the officers and members of a union could not have an injunction against its unauthorized use. On the other hand, it has been ruled that since the label is a symbol of the reputation of the goods on which it is placed it partakes of the character of property and may therefore receive legislative protection (State *v.* Bishop, 128 Mo. 373, 31 S. W. 9; People *v.* Dantuma, 252 Ill. 561, 96 N. E., 1087). In general it may be said that the laws are operative and effective, contentions that they are class legislation or discriminatory being overruled by the courts.

Laws on this subject are found in the following States:

Alabama.—Codes, secs. 4903, 4904, 8990.
Arizona.—R. S., Penal Code, secs. 355–359.
Arkansas.—Digest, secs. 10313–10319.
California.—Pol. Code, secs. 3200, 3201; Penal Code, secs. 349a–351 (am. 1911, ch. 181; 1915, ch. 487).
Colorado.—C. L., secs. 4019–4026.
Connecticut.—G. S., secs. 4815–4821.
Delaware.—R. C., secs. 3476–3483.
Florida.—R. G. S., secs. 4995–4998, 5191–5193.
Georgia.—Code, secs. 1989–1992.
Idaho.—C. S., secs. 2314–2320.
Illinois.—R. S., ch. 140, secs. 1–7.
Indiana.—A. S., secs. 10453–10463.
Iowa.—Acts of 1921, ch. 29.

Kansas.—G. S., secs. 11654–11659.
Kentucky.—Statutes, secs. 4749–4755.
Louisiana.—Acts of 1898, No. 49.
Maine.—R. S., ch. 49, secs. 38–44.
Maryland.—A. C., art. 27, secs. 50–55.
Massachusetts.—G. L., ch. 110, secs. 8–15.
Michigan.—C. L., secs. 15454–15459.
Minnesota.—R. L., secs. 8858–8862.
Missouri.—R. S., secs. 13263–13271.
Montana.—R. C., secs. 11204–11209.
Nebraska.—C. S., secs. 7662–7665.
Nevada.—R. L., secs. 4635–4637, 6691–6694.
New Hampshire.—Acts of 1895, ch. 42.
New Jersey.—C. S., pp. 1802, 5643–5648.
New York.—Acts of 1921, ch. 50, secs. 208, 209.
Ohio.—G. C., secs. 6219–6227, 13102, 13153–13155 (am. 1911, p. 420).
Oklahoma.—R. L., secs. 8211–8217.
Oregon.—Laws, secs. 2013–2016, 6800–6803.
Pennsylvania.—Statutes, secs. 21236–21243.
Rhode Island.—G. L., ch. 223, secs. 1–6.
South Dakota.—Acts of 1919, ch. 348.
Tennessee.—Code, secs. 3608a–193, 3608a–202.
Texas.—R. Civ. S., arts. 705, 706; R. Crim. S., arts. 1395, 1396.
Utah.—C. L., secs. 6145–6148, 8472–8475.
Vermont.—G. L., secs. 5961–5965.
Virginia.—A. C., secs. 1455–1463.
Washington.—C. and S., secs. 9492–9500.
West Virginia.—Code, secs. 3578–3585.
Wisconsin.—Statutes, secs. 132.01–132.03, 132.12, 4463a, 4464.
Wyoming.—C. S., secs. 3439–3444.

UNION LABEL ON PUBLIC PRINTING

A requirement that the union label be borne on public printing is found in three States. The constitutionality of such a provision is doubtful, as several decisions of courts are to the effect that city ordinances of similar tenor are void as interfering with the common statutory requirement that contracts shall go to the lowest responsible bidder; also because they limit employment to a certain class of persons, violating common rights and tending to create a monopoly. (Holden *v.* City of Alton (1899), 179 Ill. 318, 53 N. E. 556; Paterson Chronicle Co. *v.* Paterson (1901), 66 N. J. L. 129, 48 Atl. 589.)

The States having such laws are:

Maryland.—An. C., art. 78, sec. 9.
Montana.—R. C., sec. 260.
Nevada.—R. L., sec. 4309.

PROTECTION OF EMPLOYEES AS MEMBERS OF LABOR ORGANIZATIONS

Laws have been enacted in a number of States forbidding employers to discharge workmen on account of their membership in labor organizations, or to require, as a condition of employment, that they shall not be or become members of such organizations. Such laws have been declared unconstitutional in 11 States and by the Supreme Court of the United States. Though not the earliest decision, the decision of the Supreme Court is controlling. There is little variety in the reasons given for the holding of unconstitutionality. It is said to be the right of employers and employees to continue their mutual relations so long as agreeable to both, but that either may terminate the contract at will, subject only to such

conditions as are contained therein, or as are enacted by the State, applicable to all persons in like conditions. The employer can not insist that the employee remain against his will, nor can the employee insist on retaining employment with an unwilling employer. In the absence of contract or legal requirement to the contrary, contracts may be terminated by either party "for any reason or no reason," and laws singling out one reason for which discharge will not be permitted are discriminatory and an interference with the rights of the parties (Adair *v.* United States (1908), 208 U. S. 161, 28 Sup. Ct. 277).

The foregoing decision related to a Federal statute; the Supreme Court also passed upon a Kansas law of similar content, reversing the State supreme court, which had upheld the State law as constitutional (Coppage *v.* Kansas (1915), 236 U. S. 1, 35 Sup. Ct. 240). With the exception of this decision and those of the United States courts holding the California and Nevada statutes invalid, the decisions as to unconstitutionality of State laws have been rendered by the courts of the States.

In Wisconsin, a statute which provides that "any two or more persons * * * who are employers of labor * * * who shall coerce or compel agreements as to membership in labor organizations" as a condition of securing employment or continuing therein was in existence at the time of the declaration of unconstitutionality of the act of 1899. So far as is known its validity has not been challenged, and it continues to appear in the current compilations of the laws of the State. No decision under this provision (sec. 4466b) is at hand, and it is possible that the element of combination or conspiracy apparently contemplated by the section will be regarded as a proper subject for legislation. In New York, however (Con. L., ch. 40, sec. 531), there is a reproduction of a law, apparently an enactment of the legislature of 1909, which embodies the identical principles of section 171a of the Political Code declared by the court of appeals of the State to be unconstitutional in 1906 (People *v.* Marcus, 185 N. Y. 257, 77 N. E. 1073). No decision construing this later law is at hand.

A converse idea is represented by a provision found in the law of Utah (C. L., sec. 8329), which makes it unlawful for any person to induce another by threats or coercion to join any organization.

The validity of the laws forbidding discharge, etc., on account of membership is necessarily subject to question in view of the uniform finding of unconstitutionality where the question has been taken to the courts. The jurisdictions having laws of this class which have not been thus tested, are:

Connecticut.—G. S., sec. 6359.
Idaho.—C. S., sec. 2321.
Indiana.—A. S., sec. 2683.
Louisiana.—Acts of 1914, No. 294.
Massachusetts.—G. L., ch. 149, sec. 20.
Mississippi.—Acts of 1908, ch. 93 (telegraphers only).
New Hampshire.—Acts of 1913, ch. 208.
New Jersey.—C. S., p. 3051, secs. 129, 130.
New York.—Con. L., ch. 40, sec. 531.
Oregon.—Laws, sec. 2181.
Porto Rico.—Acts of 1917, No. 42.
South Carolina.—Cr. Code, sec. 487.
Wisconsin.—Statutes, sec. 4466b.

TIME TO VOTE TO BE ALLOWED EMPLOYEES

In line with election-day holidays such as are in force in several of the States, are laws guaranteeing the exercise of civil rights of employees. The majority of these laws provide that the employer must, upon prior notification, permit employees to leave the establishment, some time between the opening and closing of the polls, for the purpose of voting and that the employee shall not be subject to any penalty because of the exercise of the privilege.

An Illinois statute (R. S. of 1917, ch. 46, sec. 312), including a provision that the employee should not be subject to any penalty or deduction of wages, was declared unconstitutional in so far as this provision is concerned in the case of People *v.* Chicago, Milwaukee and St. Paul R. Co. (1923), 138 N. E. 155. The court held that it was an unlawful attempt to regulate private contracts, that it was not a proper exercise of the police power, and that it was taking property without the due process of law. The provision for absence was declared valid.

The following States have laws on this subject:

Alaska.—Acts of 1915, ch. 25, sec. 40.
Arizona.—R. S., sec. 2969.
Arkansas.—Digest, sec. 3818.
California.—Pol. Code, sec. 1212.
Colorado.—C. L., sec. 7807.
Illinois.—R. S., ch. 46, secs. 312, 458. (Provision that the employee shall not be subject to penalty or deduction of wages is unconstitutional.)
Indiana.—A. S., sec. 6926.
Iowa.—Code, sec. 1123.
Kansas.—G. S., sec. 4219.
Kentucky.—Const., sec. 148.
Maryland.—A. C., art. 33, sec. 91.
Massachusetts.—G. L., ch. 149, sec. 178.
Minnesota.—G. S. secs. 472, 622.
Missouri.—R. S., sec. 5026.
Nebraska.—C. S., sec. 2147.
Nevada.—R. L., 1919, p. 2772.
New Mexico.—A. S., secs. 2015, 2016.
New York.—Acts of 1922, ch. 588, sec. 200.
Ohio.—G. C., sec. 12950.
Oklahoma.—R. L., sec. 3137.
South Dakota.—R. C., sec. 7274.
Utah.—C. L., sec. 2352.
West Virginia.—Code Supp., sec. 74.
Wyoming.—Acts of 1911, ch. 23, sec. 21.

ABSENT VOTERS

A form of legislation that seems to have originated in a desire to permit railroad employees to exercise their franchise right at some point most convenient for them, whether in their home precinct or not, has received such an extension as to be of practically general application. These "absent voters" laws, as they are commonly called, have received attention as labor legislation; and although the labor aspect has in a sense been swallowed up in the more general provisions, yet railroad and similar employees may still enjoy the benefits.

A majority of the States have extended legislation to such a point that practically all absent voters or electors may vote by mail and

in many instances may even register by mail. States permitting voting outside their boundaries are:

Alabama.—Code, secs. 405–412, 677–684.
Arizona.—Acts of 1921, ch. 117.
Delaware.—Acts of 1923, ch. 103..
Georgia.—Acts of 1924, p. 186.
Idaho.—C. S., secs. 609–618 (am. 1923, ch. 57).
Illinois.—R. S., ch. 46, secs. 555–565 (am. 1921, p. 351).
Indiana.—Acts of 1917, ch. 100 (am. 1919, ch. 156).
Iowa.—Supp. 1915, secs. 1137b–1137o (am. 1917, ch. 419).
Kansas.—Acts of 1919, ch. 189.
Kentucky.—Acts of 1918, ch. 37, secs. 6–15.
Maine.—R. S., ch. 7, secs. 133–147 (added 1921, ch. 38).
Massachusetts.—G. L., ch. 54, secs. 86–103.
Michigan.—Acts of 1917, No. 203, ch. XII.
Minnesota.—Acts of 1917, ch. 68 (am. 1923, ch. 108).
Mississippi.—Acts of 1920, ch. 155 (am. 1922, ch. 256).
Missouri.—R. S., secs. 4751–4756.
Montana.—R. C., secs. 715–735.
Nebraska.—C. S., secs. 2002–2017.
Nevada.—Acts of 1921, ch. 90 (am. 1923, ch. 117).
New Jersey.—Acts of 1920, ch. 349.
New York.—Acts of 1920, ch. 875.
North Carolina.—Con. S., secs. 5960–5968.
North Dakota.—Acts of 1913, ch. 155 (am. Extra Session 1919, ch. 32; 1923, ch. 202).
Ohio.—Acts of 1917, p. 52.
Oregon.—Laws, secs. 4080–4094 (am. 1923, ch. 53).
Pennsylvania.—Acts of 1923, No. 201.
South Carolina.—Acts of 1924, ch. 540. (Primary elections only.)
South Dakota.—R. C., secs. 7226–7230.
Tennessee.—Code, secs. 1169a–1169a–20.
Texas.—R. Civ. S., sec. 2939 (am. 1923, ch. 149).
Utah.—Acts of 1919, ch. 42 (am. 1923, ch. 99).
Vermont.—Acts of 1919, ch. 7 (am. 1921, ch. 4).
Virginia.—Code, secs. 202–220 (am. 1922, ch. 505, 1924, chs. 420, 425).
Washington.—Acts of 1915, ch. 189 (am. 1923, ch. 58).
West Virginia.—Acts of 1921, ch. 55.
Wisconsin.—Statutes, secs. 11.54, 11.68.
Wyoming.—Acts of 1923, ch. 101.

Michigan, Missouri, and Oregon specifically indicate that their laws were enacted with a view to employees of railroad companies and similar employees, although the laws in all the States mentioned in the preceding paragraph cover employees as well as others.

A smaller group of States permit absentee voting, but limit it to voting within the State itself; in these States the laws are more of the nature of labor legislation than in those which extend the law to other jurisdictions. Of this class are:

Arkansas.—Digest, secs. 3810–3817.
California.—Acts of 1923, ch. 283.
Colorado.—C. L., secs. 7727–7733.
Florida.—R. G. S., secs. 368–373.
Louisiana.—Acts of 1921, No. 61.
New Mexico.—Acts of 1917, ch. 89, sec. 14.
Oklahoma.—Acts of Extra Session, 1916, ch. 25.

In this connection mention may be made of a law of Hawaii (acts of 1923, No. 263) that permits employees on steamboats to vote the day before election if they are compelled to leave their voting place on that day.

A new phase of the "absent voters" law, that has developed very recently, is the provision for physically disabled voters to

vote by mail in the same manner and under the same regulations as the absent voter. States whose laws contain this provision are Idaho, Indiana, Iowa, and Nevada.

The following States and Territories have no laws covering absentee voting: Alaska, Connecticut, Georgia, Maryland, New Hampshire, Rhode Island, and South Carolina.

Practically all States have legislation to enable soldiers and sailors to vote when absent from their legal residence.

PROTECTION OF EMPLOYEES AS MEMBERS OF THE NATIONAL GUARD

In several jurisdictions all persons are prohibited from willfully obstructing members of the National Guard in respect to their trade or business or depriving them of employment because of such membership; and in some jurisdictions also all labor and other organizations, clubs, and societies are prohibited from discriminating against persons because of such membership:

Arizona.—R. S., secs. 4020, p. 1349.
California.—P. C., sec. 421.
Illinois.—R. S., ch. 129, sec. 217.
Kansas.—G. S., sec. 6199.
Maine.—Acts of 1917, ch. 259, sec. 130.
Massachusetts.—G. L., ch. 33 (am. 1924, ch. 465), sec. 70.
Michigan.—C. L., secs. 971, 972.
Mississippi.—Acts of 1916, ch. 245, sec. 76.
New Mexico.—Acts of 1921, ch. 128, secs. 1, 2.
New York.—C. L., ch. 40, secs. 1480, 1481.
Ohio.—G. C., sec. 5265 (am. 1917, p. 382).
Oklahoma.—Acts of 1913, ch. 164, sec. 41.
South Carolina.—Acts of 1922, No. 501, secs. 47, 48.
Washington.—C. and S., secs. 7234–7236 (am. 1917, ch. 107).
Wisconsin.—Statutes, sec. 2114.

CONVICT LABOR

The United States and every political division thereof have by legislative action adopted regulations and directions as to the employment of convicts during the term of their detention. The question of such employment and its nature has been the subject of extended controversy from an economic standpoint, but there has been little legal discussion. The State is within its powers in appropriating funds for the establishment of manufacturing industries for the employment of convicts, and the constituted agencies may exercise a proper discretion in determining the employments to be provided for. (Pollock *v.* Mabey (Utah), 226 Pac. 186.) But where the contracting of the labor of convicts is forbidden, it was held not to be permissible to allow a manufacturing company to install machinery in a State prison for the use of the State as a factory, the products to be for State institutions, and the excess to be sold to the company, or to others only on its permission. This was said to be a contracting of the labor of the convicts, and void. (Price *v.* Mabey (Utah), 218 Pac. 724.)

Laws have been enacted in a number of States to prevent or minify competition between the products of prison labor with those of free labor. These require either that prison-made goods be so marked before being offered for sale, or that dealers in convict-made

goods procure and conspicuously post a license therefor, or both requirements may exist. Where goods so made enter interstate commerce, such requirements are a limitation in a field belonging exclusively to Congress, and are void. (People *v.* Hawkins, 157 N. Y. 1, 51 N. E. 257; Arnold *v.* Yanders, 56 Ohio St. 417, 47 N. E. 50; In re Opinion of Justices, 211 Mass. 605, 98 N. E. 334.) Furthermore, the requirement as to dealers' licenses is one based on the origin of the goods and not on their nature or quality, and is not a proper classification. (People *v.* Raynes, 198 N. Y. 539, 622, 92 N. E. 1097.)

Six systems of employment are generally recognized, as follows:

The lease system.—Under this system the contractors assume practically the entire control of the convicts, including their maintenance and discipline, subject, however, to the regulations fixed by statute. In general, the prisoners are removed from the prisons and are employed in outdoor labor, such as mining, agriculture, railroad construction, etc., though manufacturing is sometimes carried on. The nature and duration of the employment are, within the restrictions of the law, fixed by the lease.

The contract system.—The employment under this system is usually within the prison shops or yards, discipline and control remaining in the hands of the officers, only the labor of the convicts being let to and directed by the contractors for manufacturing purposes. The State usually furnishes shop room, and sometimes also provides power and machinery.

The piece-price system.—Not only the discipline of the convicts, but the direction of their labor as well, is retained by the State under this system, the contractors furnishing the material to be made up and receiving the finished product, an agreed price per piece being paid for the labor bestowed.

The public-account system.—There is no intervention of outside parties under this system, the employment of the convicts being in all respects directed by the State, and the products of their labor being sold for its benefit.

The State-use system.—This system is similar to the above, except that such articles are produced as will be of service to the State in supplying and maintaining its various institutions, and are appropriated to such use instead of being put on the general market.

The public-works-and-ways system.—Under this system convicts are employed in the construction and repair of public buildings, streets, highways, and other public works.

In the following pages the system in use and the kinds of work provided for are given, together with a summary of such regulations as affect the industrial aspects of the employment of convicts. The term "county convicts" is used with reference to those sentenced to terms in a county jail or workhouse, and "State convicts" to those serving terms in a State institution, or placed by the State in the care of the counties for detention.[1] The separate employment of females is generally provided for, and particularly as regards labor on highways, etc.

ALABAMA

Systems of employment.—State use; public account; public works and ways; leasing (unlawful for State convicts after March 31, 1927).

Kinds of work.—In coal mines of the State or of lessees; on public roads and bridges; in quarries, gravel pits, and plants for production of road material; and on convict farms. No woman may be employed on public roads, but may prepare meals for convict crews.

Sources: Code of 1923, sections 1337, 1359–1374, 3589, 3592, 3611, 3624–3627, 3637, 3648, 3650, 3662, 3675–3690, 3704–3710; Acts of 1923, No. 595.

[1] For a fuller presentation of the laws see Bul. No. 372 of the U. S. Bureau of Labor Statistics.

ALASKA

System of employment.—The public-works-and-ways system is apparently the only system authorized.

Source: C. L. 1913, sec. 2082.

ARIZONA

Systems of employment.—Public works and ways. Other forms of employment are apparently authorized, but on what system is not indicated.

Kinds of work.—On public roads, highways and bridges, streets and avenues; and on work provided for county convicts inside or outside of any jail.

Sources: Civil Code of 1913, sec. 5141; Penal Code, secs. 1448, 1482, 1483.

ARKANSAS

Systems of employment.—Public works and ways; public account; State use. Leasing of State convicts is forbidden, but apparently not of county convicts.

Kinds of work.—On public roads; in preparing road materials; crushing limestone for sale to farmers; on convict farms; in manufacture of cotton goods, furniture, brick, and twine as the penitentiary board may provide, apparently for sale in the open market. County convicts may be hired out.

Sources: Digest of 1921, secs. 2046, 2048, 2060, 2061, 2081, 5213–5217, 5362, 5395, 9658, 9693–9695; Acts of 1923, Nos. 128, 328, 759.

CALIFORNIA

Systems of employment.—State use; public account; public works and ways. The letting of convict labor by contract is forbidden by the constitution.

Kinds of work.—In manufacture of articles for the State and its municipalities; on roads and highways; in preparation of road materials; in manufacture of hemp and jute products and other articles, manufacture of which is permitted by law; and work on industrial farms. Women at San Quentin may make and sell needlework.

Regulations.—Only articles designated by law may be offered for sale. Articles of apparel offered for sale within the State must be marked so as to show in what institution they were manufactured; dealers must post notices stating the fact.

Sources: Const., Art. X, sec. 6; Penal Code, secs. 679a, 1586 (as amended 1923, ch. 158), 1613; pp. 710, 716, 719; Acts of 1911, ch. 570; Acts of 1915, ch. 13; Acts of 1917, ch. 164; Acts of 1919, ch. 316; Acts of 1921, ch. 843.

COLORADO

Systems of employment.—State use; public works and ways; and, apparently, public account. Leasing is forbidden.

Kinds of work.—On highways; in quarries; in manufacture of clothing, shoes, etc., for inmates of public institutions, and furniture, supplies, etc., for such institutions; and in propagation of fish. County convicts may be employed on highways, but not on bridges where skilled labor is required.

Regulations.—Goods made for other institutions are to be furnished at prices corresponding to the market value. Products shall be those that least conflict with free labor. Dealers in convict-made goods must be licensed, and the goods marked.

Sources: C. L. 1921, secs. 766, 768, 780–796, 3745–3755, 7138–7140, 8878–8886; Acts of 1923, ch. 88.

CONNECTICUT

Systems of employment.—Contract; public works and ways; and, apparently, public account.

Kinds of work.—In such manufacturing as board of prison directors may provide; on highways, bridges, public property, etc.; county convicts in workhouses; work on tobacco or any article which comes in contact with the mouth of a human being is forbidden, unless provided for by regulations of the State department of health.

Sources: G. S. 1918, secs. 1932, 1935, 1936, 1969; Acts of 1919, ch. 341.

DELAWARE

Systems of employment.—Public works and ways; leasing; State use.
Kinds of work.—On roads and highways; on farms; "suitable employment" in workhouses.
Sources: R. C. 1915, secs. 3605, 3606, 3608a–3608k (all added 1917, ch. 241), 3613, 3613a (added 1921, ch. 202), 3615a (added 1923, ch. 222), 4811.

DISTRICT OF COLUMBIA

Systems of employment.—The public account system is used, but products are sold only to contractors on public works of the District; State use.
Kinds of work.—Employment is at such labor and under such regulations as prescribed by the Supreme Court of the District; farming and the manufacture of brick and of brooms are provided for; also work pertaining to the maintenance of the institutions in which prisoners are confined.
Source: Code, sec. 1192.

FLORIDA

Systems of employment.—Public works and ways; State use. Leasing is forbidden, all contracts null and void on December 31, 1923.
Kinds of work.—On farms; on public roads, bridges, and other public works.
Sources: G. S. 1920, secs. 6113, 6217, 6218 (two latter amended 1923, ch. 9203), 6225, 6226, 6248, 6290, 6294; Acts of 1919, ch. 7833 (as amended 1923, ch. 9126); Acts of 1923, ch. 9203.

GEORGIA

Systems of employment.—Public works and ways; State use; public account. Leasing county convicts is forbidden.
Kinds of work.—On farms, public roads, bridges, and other public works; in industrial enterprises deemed advisable by the prison commission; in manufacture of implements and other articles needed on the State farm, shoes and clothing for the use of inmates of other State institutions, etc., but no article so manufactured may be offered for sale to the public; surplus products of the penitentiary are authorized to be sold.
Sources: Pol. Code, 1911, secs. 429, 697; Penal Code, secs. 1065, 1201–1218, 1280, 1282; Acts of 1924, p. 119.

HAWAII

Systems of employment.—Public works and ways; State use; and, apparently, public account.
Kinds of work.—Sanitation; on public works; all employment to be for the Territory or a political or other subdivision thereof. Female prisoners are to be employed in making mats, sewing, laundry work, and "such other suitable occupations as the high sheriff shall direct."
Sources: R. L. 1915, secs. 934, 1463–1467, 2220.

IDAHO

Systems of employment.—Public works and ways; leasing; public account.
Kinds of work.—On highways; in manufactures as provided, no article to be produced which is extensively manufactured in the State of Idaho.
Source: C. S., secs. 1572, 9356, 9392 (as amended 1923, ch. 35), 9431.

ILLINOIS

Systems of employment.—Public account, in limited measure; State use; public works and ways. Leasing and the contract system are forbidden.
Kinds of work.—In manufacture of supplies for State and public institutions, schools, and road districts; in production of crushed rock and road material; in manufacture of articles and supplies needed and used in State and other public institutions; on highways and the improvement of river channels; county convicts in workhouses.

Regulations.—Goods manfactured for sale are not to enter into conflict with the established industries of the State in excess of the production of 40 per cent of the prisoners in penal and reformatory institutions. Convicts are to be divided into three classes, the first to be employed chiefly in occupations that will give them industrial training and instruction, the second in the production of useful articles and supplies, the third in such occupations as will secure needed exercise and the preservation of health, or articles for State use. Crushed rock to be furnished free to the State highway department or sold at cost to cities, counties, and villages for highway use, or else to railroads at an agreed price in exchange for transportation service.

Sources: Constitution, separate sec. adopted 1886; R. S. 1917, ch. 34, sec. 25; ch. 38, sec. 168a; ch. 108, secs. 76–90, 103–106.

INDIANA

Systems of employment.—Public works and ways; public account; State use. Contract system prohibited.

Kinds of work.—On farms; on public highways; in manufacture of binder twine and cordage and the production of articles needed by the State, its institutions, and political divisions, including brick, paving, and road materials; in the care and development of State parks and other public reservations; county convicts in workhouses.

Regulations.—Dealers in convict-made goods must have a license and goods must be marked "convict made." No printing machinery or material may be purchased, except that a trade school may be established in the reformatory, in which books or blanks may be printed for the use of the reformatory only.

Sources: A. S. 1914, secs. 8262–8272, 9846 (as amended 1917, ch. 152), 9847–9854, 9918–9926k, 10029; Acts of 1917, ch. 83; Acts of 1919, ch. 53; sec. 30; ch. 60, sec. 18.

IOWA

Systems of employment.—Public account; State use; public works and ways. Leasing is forbidden.

Kinds of work.—In employments conducive to the teaching of useful trades and callings; on highways or public works; in preparation of stone for road material and other uses; in operation of quarries; on or about public buildings or grounds.

Sources: Code, 1907 Supp. 1913, 1915, secs. 5652–5654, 5707, 5708, 5718–a11, 5718–a28a.

KANSAS

Systems of employment.—Contract, but no work for private citizens may be done outside the penitentiary grounds; State use; public works and ways; public account.

Kinds of work.—Mining coal; in manufacture of twine; on highways, streets, and alleys; in preparation of stone for road material, but not on bridges or like structures which require the employment of skilled labor; county convicts may be employed on public roads, streets, poor farm, or any public work.

Sources: G. S. 1915, secs. 8286–8289, 10003, 10007–10026, 10029–10035, 10066; Acts of 1920, ch. 65; Acts of 1923, ch. 45.

KENTUCKY

Systems of employment.—Contract; public works and ways; State use; county convicts may be leased.

Kinds of work.—On public works; on highways; in preparation of road and bridge material; in quarries; on capitol grounds and farms; county convicts, in workhouses.

Regulations.—All convict-made goods brought into Kentucky from any other State for sale must be plainly marked "convict made."

Sources: Const., secs. 253, 254; Stats. 1915, secs. 524–526a, 1377, 1379, 3811, 4867, 4869–4871; Acts of 1920, ch. 159; Acts of 1922, ch. 34.

LOUISIANA

Systems of employment.—State use; public works and ways; public account. Leasing or hiring of State convicts is prohibited, but county convicts may be leased.

Kinds of work.—On highways, streets, and levees; on farms; in manufactories established by the State, and workhouses for county convicts. Production of brooms is mentioned, and the erection and equipment of a sugar refinery authorized.

Regulations.—Brooms made in the State penitentiary by convicts must be plainly stamped "convict made" if offered for sale in the State of Louisiana.

Sources: Const., arts. 196, 292; R. L. 1897, p. 249; Acts of 1894, No. 132; p. 668, Acts of 1879, No. 38; Acts of 1898, No. 136; Acts of 1900, No. 70; Acts of 1908, No. 204; Acts of 1910, No. 34; Acts of 1918, No. 235.

MAINE

Systems of employment.—Contract; public account; State use; public works and ways.

Kinds of work.—In preparation of road material; on highways; in workhouses; in manufactories as established.

Regulations.—Not more than 20 per cent of the male convicts in the prison shall be employed in the manufacture of any one kind of goods, and as far as practicable competition in the manufacture of articles made elsewhere in the State must be avoided. Products are to be distinctly labeled "Manufactured at the Maine State Prison."

Sources: R. S. 1916, ch. 83, secs. 12–14; ch. 130, sec. 32; ch. 142, secs. 34, 35.

MARYLAND

Systems of employment.—State use; public works and ways; apparently, public account.

Kinds of work.—On farms; on highways, streets, and bridges; in the preparation of road material; at such employments (presumably manufacturing) as will give employment to supersede the former system of contract labor.

Sources: A. C., art. 27, sec. 522; secs. 629a–629j (all as amended 1917, ch. 15); sec. 630 (as amended 1918, ch. 354); Acts of 1917, extra sess., ch. 4.

MASSACHUSETTS

Systems of employment.—State use; public account; piece-price; public works and ways. The contract system is forbidden.

Kinds of work.—On farms; on highways; on public lands and buildings; in clearing waste lands; in forestry; in manufacture of furniture and other articles for State offices and institutions; in production of manufactured articles, such as brushes, chairs, clothing, mats, harnesses, shoes, shoe heels, trunks, umbrellas; stonecutting; and laundry work.

Regulations.—The number of convicts who may be employed in manufacturing the various specified articles is fixed by statute. Goods may not be sold at less than the current wholesale market price.

Sources: G. L., ch. 126, secs. 35–37; ch. 127, secs. 50–85.

MICHIGAN

Systems of employment.—State use; public works and ways; public account.

Kinds of work.—On farms; on highways; in manufacture of articles for State institutions, of twine and cordage, of brick and tile, and of goods, wares and merchandise as provided for.

Regulations.—Binder twine and cordage must be sold at a price fixed by the warden and board of control as may be found for the best interest of the State. No mechanical trades are to be taught except the manufacture of articles chiefly produced outside the State. Convicts may not be employed on the building of bridges or other structures which require the employment of skilled labor.

Sources: Const., art. 18, sec. 3; C. L., secs. 1700, 1708, 1730, 1733, 1781, 1786, 1798–1815, 2531; Acts of 1917, Nos. 57, 78.

MINNESOTA

Systems of employment.—Public account; State use; public works and ways; piece price. Contract system and leasing are forbidden.

Kinds of work.—In manufacture of binder twine, agricultural machinery; in preparing road material; on highways, streets, public places, and grounds; and on farms.

Regulations.—The number of prisoners employed in a single industry may not exceed 10 per cent of the total number of persons employed in such industry in the State unless a greater number is needed to produce machinery or articles for State use. Binder twine and agricultural machinery and other manufactured products may be sold through agencies at a price to cover costs of production plus a fixed precentage.

Sources: G. S., secs. 9311–9316, 9328–9330, 9340, 9374, 9377; Acts of 1915, ch. 212.

MISSISSIPPI

Systems of employment.—Public works and ways; State use; public account. Leasing or hiring of convicts is forbidden.

Kinds of work.—On public roads; on highways and levees; on farms; in manufacture of agricultural implements, shoes, harness; in operation of sawmills, gristmills; in manufacture of clothing, brick, and tile; in grinding limestone for agricultural use; in production of foodstuffs; in care of public buildings and grounds.

Regulations.—Products are to be sold as the trustees may deem most advantageous to the State.

Sources: Const., secs. 85, 223–226; Code, secs. 3606–3610, 3621, 3622; Acts of 1908, ch. 109; Acts of 1910, chs. 167, 371; Acts of 1912, ch. 146; Acts of 1914, chs. 132, 205; Acts of 1916, chs. 575, 576.

MISSOURI

Systems of employment.—State use; public account; public works and ways. Leasing and contracting forbidden.

Kinds of work.—A wide range of manufactured products is suggested, including road material, binder twine, lime for agricultural and other purposes, furniture, clothing, farm implements, fertilizer, brick, etc.; on farms and highways; in quarries, gravel pits; on streets and alleys; and on public grounds.

Regulations.—The prices of products are fixed by the prison board, those offered in the open market to be sold at the market price. The State retains a contingent interest in twine sold to secure its disposition according to the provisions of the law.

Sources: R. S., secs. 3704, 3705, 8648, 12415–12420, 12473, 12482, 12526, 12532.

MONTANA

Systems of employment.—Public works and ways; State use or public account, either or both. The contract system is forbidden.

Kinds of work.—In improvement of public grounds or buildings, or public works or ways of counties, and such mechanical pursuits as the prison board may decide upon.

Regulations.—Convict-made goods offered for sale must be plainly marked "Prison made."

Sources: Const., art. 18, sec. 2; R. C., secs. 11572, 11573, 12446, 12447, 12484.

NEBRASKA

Systems of employment.—State use; public works and ways; public account. Contracts may be made for the labor of county convicts.

Kinds of work.—On roads and other public works; in manufacture of twine; of supplies for State institutions; on farms; in workhouses for county convicts; and in such industrial enterprises as the board of control may deem advisable, "having in mind a minimum of competition with free labor."

Regulations.—Products shall be sold at not less than a fair market price.

Sources: C. S., secs. 986, 992–997, 2996, 3016, 3017, 6973–6976, 6983, 7016, 7029, 7057, 10209, 10210.

NEVADA

Systems of employment.—Public works and ways; State use; public account; contract.

Kinds of work.—On public highways, farms, public works, buildings, or grounds; in such mechanical pursuits as the board of prison commissioners may determine. Prisoners of good record may be given permission to manufacture goods on their account to be sold for them by the State; competition with free labor to be avoided.

Regulations.—Sales of surplus products are to be at reasonable market value.
Sources: R. L., secs. 6623, 7569 (as amended 1921, ch. 226), 7570, 7598, 7609, 7619; Acts of 1913, chs. 115, 187.

NEW HAMPSHIRE

Systems of employment.—Contract; public account; State use; public works and ways.
Kinds of work.—On articles for the use of the public institutions within the State; on highways; in preparation of road material; in forestry.
Sources: P. S., ch. 282, sec. 14; ch. 285, secs. 5, 7 (both as amended 1917, ch. 45); Acts of 1917, ch. 119; Acts of 1921, ch. 135.

NEW JERSEY

Systems of employment.—State use; public account; public works and ways. The contract system is forbidden.
Kinds of work.—In manufacture of articles for State institutions, departments, and agencies; in such manufactures as the State board provides; on highways; on farms; county convicts, in workhouses.
Regulations.—Surplus products are to be sold so as not to compete unfairly with the product of free labor. All perishable articles must be marked.
Sources: Acts of 1915, ch. 119; Acts of 1917, chs. 157, 271; Acts of 1918, ch. 147.

NEW MEXICO

Systems of employment.—Public works and ways; public account; State use, to a limited extent. Leasing is prohibited.
Kinds of work.—On highways, streets, and alleys; in such manufacturing as the board provides; in production of electricity to be furnished certain public institutions.
Sources: Const., art. 20, secs. 15, 18; Stats., secs. 2641, 2708, 3052, 5041, 5050, 5051, 5069 (as amended 1921, ch. 58).

NEW YORK

Systems of employment.—State use; public works and ways. The contract system is prohibited.
Kinds of work.—In production of supplies for State institutions, public buildings and offices; on farms; at quarrying and stone crushing; on highways; in forestry; building sea walls to protect public property; on public buildings and grounds; county convicts, in workhouses.
Regulations.—Convict-made goods may not be sold within the State without being marked "Convict-made." Convicts are required to be classified; those in class 1 are to be given such training and instruction as will fit them for employment after discharge as a primary aim, but otherwise their labor shall be so directed as to produce the greatest amount of useful products and supplies for the State and its institutions. The labor of those in class 2 is primarily for the production of articles and supplies required; while in class 3 the preservation of health is a prime consideration, but manufactures of the above classes are to be kept in view.
No printing or photo-engraving may be done in any printing establishment except such printing as may be required by the penal and charitable institutions of the State, etc., official reports, and the printing required for official use.
Sources: Const., sec. 53; C. L. ch. 11, sec. 93; ch. 31, secs. 193–195; ch. 43, secs. 75 (as amended 1917, ch. 391), 170–178, 179 (as amended 1919, ch. 420), 181, secs. 182, 184 (both as amended 1924, ch. 601); ch. 65, sec. 50 (as amended 1914, ch. 451), 184–a (added 1915, ch. 457); Acts of 1901, ch. 466, secs. 700, 701.

NORTH CAROLINA

Systems of employment.—Public works and ways; contract; State use; public account.
Kinds of work.—On public works, streets and highways; on farms; county convicts, in workhouses.
Sources: Const., art. 11, sec. 1; C. S., secs. 1297, 1356, 1359, 3591, 3678, 3812–3816, 4409, 7707, 7712, 7758–7763.

NORTH DAKOTA

Systems of employment.—Public account; public works and ways; State use. The contract system is prohibited.

Kinds of work.—In manufacture of twine and cordage and brick; in industries established at the penitentiary; on highways.

Regulations.—The price of twine is regulated by the board of trustees and may be sold only for use in the State up to May 1. Rope may be sold outside the State at any time.

Sources: R. C., secs. 10376, 10381 (as amended 1911, ch. 203), 10390 (as amended 1913, ch. 190), 10394, 10442; Acts of 1909, ch. 228; Acts of 1913, ch. 217 (as amended 1915, ch. 191).

OHIO

Systems of employment.—State use; public works and ways; apparently public account. Leasing, contract, and piece-price systems are forbidden.

Kinds of work.—In preparation of road material; in manufacture of brick, tile, and pipe, and articles for the use of the State, its institutions, and political divisions; in production of electric current for State institutions; on streets and highways, county convicts, in workhouses.

Regulations.—Goods offered for sale within the State must be conspicuously marked "Prison made." The number of prisoners employed in the manufacture of any one kind of goods may not exceed 10 per cent of the number of free laborers employed in the same industry; this provision does not apply to industries in which not more than 50 free laborers are employed.

Sources: Const., Art II, sec. 41; G. C., sec. 1224-1 (added 1917, p. 134), sec. 2183 (as amended 1915, p. 65), secs. 2227-1–2227-4 (all added 1913, p. 725), 2228, 2230, 2230-1 (added 1911, p. 418), 2231–2235, 2135-1 (added 1911, p. 106), 2243, 2244, 6213–6217, 7496–7505, 7513 (all as amended 1915, p. 574).

OKLAHOMA

Systems of employment.—State use; public works and ways; public account. The contract system is forbidden.

Kinds of work.—In mining coal; in fabricating structural steel for bridges, public buildings, etc.; on highways; in manufacture of binder twine, cordage, cotton, or jute bagging; on farming; in such manufacturing as the State board may provide for.

Regulations.—Convict-made goods offered for sale in the State must be so conspicuously labeled.

Sources: Const., art. 23, sec. 2; C. L., secs. 4596, 4603, 8218, 8219; Acts of 1913, chs. 112, 215; Acts of 1915, ch. 57; Acts of 1916, ex. sess., chs. 29, 40; Acts of 1917, ch. 234.

OREGON

Systems of employment.—Public works and ways; public account. The contract system is forbidden.

Kinds of work.—On public highways; on or about any State institution; in manufacture of such products as may be provided for (flax industry and woodworking are mentioned).

Regulations.—Convict-made goods offered for sale in the State must be conspicuously marked or labeled.

Sources: Laws, secs. 2909–2915, 3542–3544, 4435; Acts of 1921, ch. 224; Acts of 1923, ch. 232.

PENNSYLVANIA

Systems of employment.—Public works and ways; State use; apparently public account.

Kinds of work.—On roads, streets, and highways, not including bridges or structures of like character requiring the employment of skilled labor; in production of road material, brick, tile, and pipe, and supplies for public institutions and other institutions, educational or charitable, receiving aid from the Commonwealth; forestry; on farms; in workhouses.

Regulations.—Convict-made goods must be marked or labeled before being offered for sale. Road material, brick, tile, and concrete not needed for the institution at which made is to be offered for sale at a price fixed by the board of trustees, preference being given to the public authorities of the area in which the institution is located.

Sources: Stats., secs. 7535, 7541, 7542, 12703, 12712, 12722, 12724, 12730–12734; Acts of 1923, No. 172, No. 274, sec. 2012.

PHILIPPINE ISLANDS

Systems of employment.—Public works and ways; presumably public account.

Kinds of work.—On highways and other public works; the manufacture and sale of carts and cart wheels and axles is mentioned.

Sources: Acts of U. S. Philippine Com. Nos. 413, 1361, 1407, 1703, 3711 (sec. 2239).

PORTO RICO

Systems of employment.—Public works and ways.

Kinds of work.—On public roads and other public works.

Sources: R. S. & C., secs. 2292–2296, 6358, 6359.

RHODE ISLAND

Systems of employment.—Public works and ways; contract.

Kinds of work.—On farms and highways.

Sources: G. L., ch. 411, sec. 14; ch. 413, Art. I, secs. 3, 18; Art. V, sec. 32.

SOUTH CAROLINA

Systems of employment.—Public works and ways; leasing; contract.

Kinds of work.—On public highways and sanitary drainage; on farms; in quarries for procuring road material; on streets and other public works, including bridges, ferries, and public buildings.

Regulations.—No leasing or hiring may be made of convicts to work in phosphate mines.

Sources: Const., art. 12, sec 6; Civil Code, secs. 956–972, 2276, 3057; Crim. Code, sec. 104 (as amended 1914, No. 291), 943, 944, 966–972, 981, 982, 985; Acts of 1914, No. 366.

SOUTH DAKOTA

Systems of employment.—Public works and ways; public account.

Kinds of work.—On highways, streets, and public buildings and grounds; on farms; on quarrying stone; in manufacture of binder twine and cordage.

Regulations.—Sales of twine and cordage are made at fixed prices and up to May 1 only to farmers or actual consumers resident in the State.

Sources: R. C., secs. 5378–5383, 5454 (as amended 1920, second extra sess., ch. 90), 10221; Acts of 1919, ch. 333, sec. 58 (as amended 1920, second extra sess., ch. 89).

TENNESSEE

Systems of employment.—Public works and ways; public account; contract; apparently, State use.

Kinds of work.—On public roads and highways; on farms; in mining coal; in burning coke; in manufacture of such articles as the board of control approves, having in view a minimum of competition with free labor, either under the direction of the board or on contract; in cutting of timber; in maufacture of automobile number plates; county convicts, in workhouses.

Sources: Code, secs. 1628a-8, 2577a-60, 7405, 7516a-1–7516a-11; Acts of 1919, chs. 40, 53, 60, 64; Acts of 1923, ch. 94.

TEXAS

Systems of employment.—Public works and ways; public account. The contract system is forbidden.

Kinds of work.—On public roads, streets, and bridges; on farms; in factories such as the prison commission may establish; county convicts, in workhouses.

Sources: Const., Art. XVI, sec. 24; R. C. S., arts. 836, 6174 (as amended 1917, first extra sess., ch. 32), 6183–6187, 6232, 6238, 6281, 6967.

UTAH

Systems of employment.—Public works and ways; public account; State use. The contract system is forbidden.

Kinds of work.—On highways, bridges and culverts, public buildings and grounds; in industries established by the prison board, conflict with local industries to be avoided; on irrigation works.

Sources: Const. Art. XVI, sec. 3; C. L., secs. 1400, 1400–15, 5455, 5472, 5475–5477, 5508, 5514.

VERMONT

Systems of employment.—Contract; public account; public works and ways.

Kinds of work.—On farms; on public highways; in such industries as may be provided.

Sources: G. L., secs. 7136–7138, 7165, 7168, 7258, 7259.

VIRGINIA

Systems of employment.—Public works and ways; public account; State use.

Kinds of work.—On roads and highways; in quarries and gravel pits; in preparation of road material; in grinding of limestone, oyster shells or marl; in manufacture of articles required by the State department.

Regulations.—Surplus of manufactured articles not required by the State may be sold as may be deemed for the best interest of the State; ground limestone, oyster shells, and marls are to be disposed of at a price to cover cost of production, wear and tear, upkeep. etc.

Sources: Code, secs. 1267, 1268, 1971, 2073 (as amended 1924, ch. 88), 2075, 3061, 4993, 5014; Acts of 1918, ch. 9 (as amended 1924, ch. 43).

WASHINGTON

Systems of employment.—State use; public account; public works and ways. The contract system is forbidden.

Kinds of work.—On public roads and public works; in quarries and rock-crushing plants; in manufacture of articles for the State, jute fabrics, and brick; in workhouses, for county convicts.

Regulations.—Jute grain sacks and other products are to be sold only to consumers in the State until June 1. The output of factories, rock-crushers, etc, not needed by the State is to be sold at not less than the cost of production, prior right of purchase being given citizens of the State.

Sources: Const., Art. II, sec. 29; C. and S., secs. 3895, 3896, secs. 5910–5912 (all as amended 1911, ch. 114), 8494, 8519, 8570–8575, 8586; Acts of 1911, ch. 132 (amended 1913, ch. 38; 1917, ch. 56); Acts of 1913, chs. 114, 132 (as amended 1917, ch. 121); Acts of 1917, ch. 103, sec. 3.

WEST VIRGINIA

Systems of employment.—Contract; State use; public works and ways; piece price.

Kinds of work.—In manufacture of articles for use in State institutions; on streets and highways; in stone quarries, gravel pits, sand banks, crushers, brick kilns. The board may designate what articles or classes of articles shall be manufactured by contractors for the labor of convicts.

Sources: Code, secs. 1508, 5670, 5671, 5686, 5687; Acts of 1921, ch. 112, secs. 34, 35, 44, 48.

WISCONSIN

Systems of employment.—State use; public account; public works and ways; contract.

Kinds of work.—In manufacture of articles for State and municipalities; in workhouses; on farms; on roads and highways; in quarries; in procuring road-building material and limestone for agricultural use; in manufacture of binder twine and cordage.

Regulations.—Goods made outside the State and brought into it for sale must be plainly marked "Convict made." Binder twine and cordage are to be sold at prices fixed by the authorities, citizens to have preference in purchase. Articles not required for State use are to be sold in the open market at as near the market price as possible.

Sources: Stats., secs. 33.04, 56.01–56.19, 59.19, 132.13.

WYOMING

Systems of employment.—State use; public account; public works and ways.
Kinds of work.—In production of articles for use of State institutions; on highways, streets, alleys, and parks.
Regulations.—Goods not required by the State or its subdivisions may be sold at open market or disposed of as shall be deemed advisable, but no building material shall be sold in competition with established local industry.
Sources: C. S., secs. 6398, 6399, 6401; Acts of 1911, ch. 61 (sec. 4 amended 1917, ch. 109).

UNITED STATES

Systems of employment.—State use. The contract system is forbidden.
Kinds of work.—In manufacture of cotton fabrics, cotton duck, and canvas for the War and Navy Departments, mail service, etc., of shoes, brooms, and brushes to supply the requirements of the various departments of the United States Government; on farms.
Regulations.—The importation of convict-made goods is forbidden. Products of the factories and farms are to be sold at current market prices only to the Government of the United States for the use of its various services.
Sources: C. S., secs. 5304, 10524, 10563a–10563c; Acts of 1924, ch. 17.

105446°—25——9

TEXT AND ABRIDGMENT OF LABOR LAWS

TEXT AND ABRIDGMENT OF LABOR LAWS [1]

ALABAMA

CODE OF 1923

Child welfare department

SECTION 103. *Department established.*—[A child welfare department is created with the powers and functions prescribed.]

SEC. 104. *Powers, etc.*—[Among the powers and duties of the commission are those of enforcing laws as to the employment of children, with full power of visitation and inspection.]

SECS. 105–108. *Organization.*—[The commission consists of the governor, superintendent of education, the State health officer, ex officio, and six persons appointed for terms of six years each, two to expire every two years. No member receives compensation for services, but is reimbursed for traveling and other expenses. They may elect a director and other employees, and fix their compensation, establish rules, and do such other acts as are necessary to carry out the purposes of the act.]

SEC. 109. *Director.*—[The director is chosen for a term of six years and receives a salary of $3,000 per annum. He has full control and direction of the work and operations of the department.]

SEC. 116. *Appropriation.*—[The sum of $50,000 annually is appropriated for the use of the commission.]

SEC. 151. *County superintendents.*—[County superintendents of child welfare cooperate with the State child labor inspector in enforcing laws relating to the employment of children.]

Mine regulations—Coal mines

SECTION 1601. *Inspectors.*—[It is the duty of the governor to appoint an inspector for each two and a half million tons of coal mined, or a majority fraction thereof, one to be chief and the others associate mine inspectors. The chief must be a mining engineer. Their terms are three years.]

SEC. 1602. *Salaries.*—[The chief inspector receives $4,000 per annum, and the associates $3,000.]

SECS. 1603, 1604. *Bonds; reports.*—[The chief inspector may be required to give bond for the faithful discharge of his duties and accounting for license fees, etc. Annual reports as to money collected are required.]

SEC. 1605. *Qualifications.*—[Chiefs must have eight years' experience and associates five years; all must hold first-class foremen's certificates. Associates must reside in their district, and no inspector or inspector's wife may own or operate a mine.]

SEC. 1606. *Other employment.*—[Inspectors may not be otherwise employed by the State, except that the chief inspector is ex officio a professor of mining engineering in the State University.]

SECS. 1607–1609. *Duties.*—[Inspectors must give full time to their duties; must inspect all coal mines and all working places therein, as far as possible, every 3 months, with special reference to works and machinery, the ventilation, drainage, general security, etc. Records are to be kept of inspections, and of accidents, employment, etc., and reports of inspections made to the superintendent or operator.]

SEC. 1610. *Accidents.*—[Accidents to employees causing serious injury or death must be promptly investigated.]

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[1] As already stated, abridgments are made of several classes of laws, of which only the substantive provisions are presented, and usually only in a summary form. Representative statutes are reproduced at length, for the purpose of a fuller presentation of the requirements, procedure, etc., in the case of laws governing the employment of children (Wisconsin, Statutes, secs. 103.5–103.15, 103.19–103.36), coal mines (Indiana, Acts of 1923, ch. 177), and private employment offices (Illinois, R. S., ch. 48, secs. 67a–67k).

SECS. 1611–1613. *Witnesses.*—[Witnesses may be subpœnaed and examined under oath by any member of the board of examiners. The customary fees are allowed. Courts are charged with the duty of enforcing appearance.]

SEC. 1614. *Reports.*—[The chief inspector must make written report to the governor, prior to each session of the legislature, as to the condition of the industry, with statistics, suggestions, etc.]

SECS. 1615, 1616. *Supplies.*—[The State must furnish needed instruments for measuring the air and for testing scales, etc.]

SEC. 1617–1621. *Dangerous mines.*—[The chief inspector, two associates concurring, may order a mine to stop operations if the conditions as to gas or dust are such as to cause explosions and endanger life. An appeal may be taken to the court.]

SEC. 1622. *Notices.*—[Inspectors must be notified of accidents causing serious or fatal injuries, of the abandonment or reopening of any mine, of the appearance of dangerous accumulations of fire damp, of the approach of workings of abandoned mines containing water or gas, of the closing or abandonment of ways to exits. Reports of accidents shall not be divulged except in a legal proceeding, or to a member of the injured man's family, or to his or their legal representative.]

SEC. 1623. *Investigation of accidents.*—[Serious or fatal accidents and gas or dust explosions must be investigated, and a file kept of accidents causing death or serious injury to employees.]

SEC. 1624. *Ventilation.*—[The owner or operator of any mine must report the amount of ventilation and pressure gauge readings whenever required by the chief mine inspector.]

SEC. 1625. *Annual reports.*—[Operators must make annual reports of kind and quantity of coal mined, and other data as required.]

SEC. 1626. *Removal of inspectors.*—[The governor may remove chief or associate inspectors with or without cause, and may fill all vacancies.]

SEC. 1627. *Noncompliance with orders.*—[Failure to comply within reasonable time with any order or direction of the chief mine inspector may be referred to the county judge of probate, before whom a hearing shall be held, and if the order is sustained, and no appeal is taken, it must be complied with under penalty of a fine not exceeding $1,000.]

SECS. 1628–1642. *Licensing foremen, etc.*—[The chief inspector, two miners, two operators and a mining engineer, all appointed by the governor, constitute an examining board to examine and license mine foremen and fire bosses. The fees are $5 and $3, respectively. Duplicate certificates, in case of loss or destruction, issue at a cost of $1. Forgery of certificates, false statements, etc., are misdemeanors.

Mine foremen must be 23 years of age, with 5 years practical experience, 3 years after the age of 15. Two grades of certificates are issued; foremen in gaseous or dusty mines must hold first-class certificates. Fire bosses must be 21, with at least 3 years' experience after the age of 15. Both must be of good moral character and temperate habits, as certified by 10 reputable citizens. Holders of first-class foremen's certificates may serve as fire bosses. If no licensed person is available, any trustworthy and experienced man may act as foreman or fire boss for not over 60 days. Licenses may be revoked for violation of the law, intemperance, etc. Persons complained of must have 30 days' notice in writing, and be allowed a hearing.]

SECS. 1643, 1644. *Duties.*—[The foreman must carry on his duties as prescribed in the act, and anyone causing him to do otherwise is amenable therefor. An assistant may act during the foreman's absence, not to exceed one week.]

SEC. 1645. *Sprinkling.*—[Dust likely to ignite or explode must be sprayed or sprinkled.]

SECS. 1646, 1647. *Fire bosses.*—[A certificated fire boss must be employed in mines in which gas exists in quantities sufficient to ignite or explode, and he must examine all working places before the workmen are permitted to enter. A safety lamp must be used, and a mark made if dangerous quantities are found.]

SECS. 1648–1723. *Safety provisions.*—[A detailed code of safety provisions forbids injury to works, equipment, etc., regulates ventilation, the supply of timbers, exits, fencing, use of safety lamps, hoisting of workmen, maps, approach to other workings, the use of illuminants, oils, etc., tamping and blasting, use and storage of powder and other explosives, the weighing of coal,

first aid provisions, underground stables, electrical installations, etc. Intoxicated persons and intoxicants are not permitted in or about mines. Employees must report unsafe conditions when known to them.]

SEC. 1724. *Women and children.*—[No boy under 14 and no female may work in or about any coal mine.]

SEC. 1725. *Posting.*—[An abstract of this law and the rules, furnished by the chief mine inspector, must be conspicuously posted at or near the mines, so as to be read by the employees.]

SEC. 1726. *Injunction.*—[In case an operator fails to comply with the law, the State's attorney for the county shall proceed against him by injunction.]

SECS. 1729–1731. *Oil; regulations; inspection.*—[Only nonexplosive oils, free from deleterious odors or fumes, may be used except in safety lamps or under permission of the mine inspectors. Containers must be marked so as to show name of manufacturer and date of manufacture and of inspection. Inspection is by a mine inspector, before sale by the manufacturer.]

Boycotting, blacklisting, etc.

SECTION 3447. *Interference with employment.*—Two or more persons who, without a just cause or legal excuse for so doing, enter into any combination, conspiracy, agreement, arrangement, or understanding for the purpose of hindering, delaying, or preventing any other persons, firms, corporation, or association of persons from carrying on any lawful business shall be guilty of a misdemeanor.

SEC. 3448. *Picketing.*—Any person or persons who, without a just cause or legal excuse therefor, go near to or loiter about the premises or place of business of any other person, firm, corporation, or association of people, engaged in a lawful business, for the purpose or with the intent of influencing or inducing other persons not to trade with, buy from, sell to, have business dealing with, or be employed by such persons, firm, corporation, or association, or who picket the works or place of business of such other persons, firms, corporations, or associations of persons, for the purposes of hindering, delaying, or interfering with, or injuring any lawful business or enterprise of another, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

SEC. 3449. *Boycotting.*—Any person, firm, corporation, or association of persons who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, corporation, or association of persons doing a lawful business, shall be guilty of a misdemeanor.

SEC. 3450. *Intimidation.*—Any person, firm, corporation, or association of persons who uses force, threats, intimidation, or other unlawful means to prevent any other person, firm, corporation, or association of persons from engaging in any lawful occupation or business shall be guilty of a misdemeanor.

SEC. 3451. *Blacklist.*—Any person, firm, corporation, or association of persons who maintains what is commonly called a blacklist or notifies any other person, firm, corporation, or association that any person has been blacklisted by such person, firm, corporation, or association; or who uses any other similar means to prevent any person from receiving employment from whomsoever he desires to be employed by shall be guilty of a misdemeanor.

SEC. 3452. *Obstructing business.*—Any person, firm, corporation, or association of persons who without a just cause or legal excuse willfully or wantonly does any act with the intent, or with reason to believe that such act will injure, interfere with, hinder, delay, or obstruct any lawful business or enterprise in which persons are employed for wages; or who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure or destroy any property of another; or who shall willfully or wantonly derange, or attempt, or threaten to derange any mechanics, appliances, or devices, of another used in any lawful business or enterprise, shall be guilty of a misdemeanor.

SEC. 3453. *Taking control.*—Any person, firm, corporation, or association of persons who without a just cause or legal excuse, but with the intent to supplant, nullify, or impair the owner's, operator's, or manager's control of any lawful business or enterprise, or who without just cause or legal excuse shall take, retain, attempt or threaten to take or retain, possession or control of any property of another or any instrumentality used in any lawful business or enterprise of another shall be guilty of a misdemeanor.

SEC. 3454. *Inciting acts.*—Any person, firm, corporation, or association of persons who, without a just cause or legal excuse shall advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advertising, advising, teaching, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act; or who organizes or helps to organize, gives aid or comfort to, or becomes a member of any group of persons formed to advocate, advise, or teach the necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

SEC. 3455. *Violations.*—[Any violations of the preceding sections entail a penalty of a fine of not less than $100 nor more than $1,000 and also imprisonment for not more than 6 months for the first conviction and not less than 3 nor more than 6 months on second conviction.]

Employment of children—General provisions

SECTION 3494. *Age limit.*—[No child under 14 years of age shall be employed, permitted, or suffered to work at any gainful occupation except agriculture and domestic service, except as hereinafter provided in this chapter.]

SEC. 3495. *Hours of labor.*—[Six days and 48 hours per week, and 8 hours per day is the maximum work time for children under 16, except in agricultural and domestic service. Work between 7 p. m. and 6 a. m. is forbidden. Presence is prima facie evidence of employment.]

SEC. 3496. *Hours to be posted.*—[Employers must post a schedule of work time in all places of employment of children under 16.]

SECS. 3497, 3498. *Messenger service.*—[No person under 18 may be employed in messenger or delivery service between 10 p. m. and 6 a. m.; nor under 21 in any pool or billiard room.]

SECS. 3499–3501. *Dangerous occupations.*—[No child under 16 may be employed in designated dangerous occupations or processes. For a similar list see Delaware Code, secs. 3145, 3148. The State board of health may declare any place or occupation dangerous or injurious to the health or morals of a child under 16.]

SECS. 3502–3511. *Certificates.*—[Certificates issued by the school authorities are required for children under 16. No employment during school hours is permitted for children under 14. A statement of the employer's intention to employ, schooling equal to completion of the fifth grade (sixth grade after Sept. 1, 1926), evidence of age, and a medical certificate of physical fitness are required. Vacation permits for children over 12 require no certificates of schooling. Personal appearance of the applicant is required. Certificate must be returned to the issuing officer within 10 days after employment ceases. Age certificates are required for children between 16 and 17 years of age.]

SECS. 3512–3517. *Street trades.*—[Engaging in street trades is forbidden to boys under 12 and girls under 18, except that boys 10 or over may deliver newspapers on routes. Boys under 16 may not be engaged between 8 p. m. and 5 a. m., unless 14 and qualified for an employment certificate; nor without a badge issued by the school authorities. This is required annually, on proof of age and a deposit of 50 cents, to be returned on surrender of the badge. Replacement of lost badges is made on payment of 25 cents.]

SECS. 3518, 3519. *Enforcement.*—[The director of the child welfare department and his assistants must inspect places of employment of minors to enforce the provisions of this act, acting as State child labor inspector and deputy inspectors. School attendance officers and probation officers must report known violations.]

SECS. 3520, 3521. *Sanitary provisions.*—[Every person, firm, or corporation, owning or controlling any establishment wherein minors are employed, subject to the provisions of this act, shall keep such establishment in a sanitary condition, shall provide suitable water-closets or privies, separate for each sex; also shall provide sanitary drinking fountains where twenty or more persons are employed. It is the duty of inspectors to compel compliance with this provision.]

SECS. 3522, 3523. *Inspection.*—[Any person who refuses to allow the inspector to have free access to any establishment and every part thereof wherein minors are or may be employed, or hinders or obstructs, or makes false statement to the inspector in connection with the establishment, or who violates section 15 of

this act shall be fined not less than $50 nor more than $100 and on second conviction not more than $200. It is the duty of the inspector to remove any child found in any establishment, working or detained therein contrary to law or who is afflicted with a communicable disease.]

Secs. 3524, 3525. *Violations.*—[Employers violating this act or permitting children to work contrary thereto, or failing to comply with lawful and reasonable orders may be fined from $10 to $100, and for subsequent offenses from $100 to $500. Parents and others in charge of children are similarly punishable for violations. For making a false affidavit the penalty is from $5 to $20 fine, and for a second offense, imprisonment not over 90 days.]

Sec. 3542. *Unlawful employment.*—[Employing or encouraging the employment of children under the age of 16 in violation of the child labor act is regarded as contributing to delinquency, and is a misdemeanor.]

Protection of employees as voters

Section 3922. *Coercion, etc., by employers.*—Any employer who attempts by coercion, intimidation, threats to discharge or to lessen the remuneration of an employee, to influence his vote in any election, or who requires or demands an examination or inspection by himself or another of an employee's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars.

Sec. 3923. *By officers or agents.*—Any officer, or agent of a corporation, or other person with authority to discharge employees, who shall attempt by coercion, intimidation, threats to discharge or to lessen the remuneration of any employee, to influence his vote in any election, or who requires or demands an examination or inspection by himself or another of any employee's ballot, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars.

Enticing employees, apprentices, etc.

Section 3985. *Enticement from service.*—Any person who entices, decoys, or persuades any apprentice or servant to leave the service or employment of his master must, on conviction, be fined not less than twenty nor more than one hundred dollars; and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months.

Sec. 3986. *Interference, etc.*—Any person who knowingly interferes with, hires, employs, entices away, or induces to leave the service of another, or attempts to hire, employ, entice away, or induce to leave the service of another, any laborer, or servant, renter, or share cropper, who has contracted in writing to serve such other person for any given time, not to exceed one year, before the expiration of the time so contracted for, or who persuades or induces or attempts to persuade or induce any person to abandon a crop he has begun before it is made or gathered, the natural or probable effect of which will be to injure a third person, or who knowingly interferes with, hires, entices away, or induces any minor to leave the service of any person to whom such service is lawfully due, without the consent of the party employing, or to whom such service is due, given in writing, or in presence of some credible person, must, on conviction, be fined not less than fifty nor more than five hundred dollars, at the discretion of the jury, and in no case less than double the damage sustained by the party whom such laborer or servant was induced to leave or against whose interest such crop was induced to be abandoned; one-half to the party sustaining such damage, and the other half to the county.

The statute is not unconstitutional in attempting to punish criminally for violation of contract. 79 Ala. 271.

Nor is it in violation of the Federal "Civil rights bill." 44 Ala. 367.

It is plainly violative of the State constitution, being class legislation, since it imposes on laborers and renters a different penalty for breach of contract from that imposed on other citizens. 123 Fed. 671.

Knowledge of previous subsisting contract is not essential to conviction. 44 Ala. 368.

Section 6849 embraces all laborers, whether under written contract or not; the fine provided for is of no benefit to the employer. Section 6850 relates only to employment under written contracts, and provides for the recovery of damages. 52 So. 597.

Section 6850 is constitutional, and is directed to the tortious mischief of knowingly interfering with or interrupting contract relations. Knowledge is of the essence of the offense. 51 So. 754.

Sec. 3987. *Evidence.*—When any laborer or servant, renter, or share cropper, having contracted as provided in the preceding section, is afterwards found in the service or employment of another before the termination of such con-

tract, that fact is prima facie evidence that such person is guilty of a violation of that section, if he fail and refuse to forthwith discharge such laborer or servant, after having been notified and informed of such former contract or employment.

Intimidation of employees, etc.

SECTION 3990. *Preventing employment.*—Any person who, by force or threats of violence to person or property, prevents, or seeks to prevent, another from doing work or furnishing materials, or from contracting to do work or furnish materials, for or to any person engaged in any lawful business, or who disturbs, interferes with, or prevents, or in any manner attempts to prevent the peaceable exercise of any lawful industry, business, or calling by any other person, must, on conviction, be fined not less than ten nor more than five hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than twelve months.

Seats for female employees

SECTION 3991. *Seats to be provided.*—Any person owning or controlling a store or shop in which any girl or woman is employed as a clerk or saleswoman, who fails to provide such girl or woman with proper accommodations for sitting and resting when not actively engaged in the work of her employment, or who fails to permit her to do so when not so engaged, or who shall not have in such building, or conveniently thereto, separate water-closets for the use of such girls or women, must, on conviction, be fined not less than fifty dollars nor more than five hundred dollars.

Fire escapes on factories, etc.

SECTIONS 4048, 4049. *Where required.*—[Owners of factories, etc., over two stories in height must provide good and sufficient fire escapes or ladders, securely fixed and conveniently arranged, accessible to the persons working therein, under penalty of a fine of not less than $50 nor more than $500.]

Contracts of employment—Repayment of advances

SECTION 4152. *Procuring advances on written contract.*—Any person who with intent to defraud his employer enters into a contract in writing for the performance of an act or service and with like intent obtains from such employer money or other personal property shall be guilty of a misdemeanor and on conviction must be punished by a fine of not more than three hundred dollars, and any person who with intent to injure or defraud his landlord enters into any contract for the rent of land and with like intent thereby obtains from said landlord money or other personal property shall be guilty of a misdemeanor, and on conviction must be punished by a fine of not more than three hundred dollars.

This act is constitutional. It punishes for swindling by the use of false pretenses. The fact that the contract is voidable by reason of the minority of the employee was held not to be a defense. Thomas *v.* State, 69 So. 908.

Employment of unlicensed engineers on steamboats

SECTION 4461. *Loss of life from explosion.*—In case of the loss of life from the explosion of a boiler, or any apparatus connected therewith, on any steamboat navigating the waters of this State, and the person acting thereon as engineer has not obtained a certificate to act as such engineer, or is acting out of the grade therein specified, or is knowingly employed after the revocation of his certificate, the captain or owner employing such person, and the person so employed or acting, are guilty of manslaughter in the first degree.

Mine regulations—Violations

SECTIONS 4987–5000. *Offenses, negligence, etc.*—[Willfully injuring any shaft, safety lamp, instrument, air course, or obstructing any airway, carrying matches or pipes, etc., into forbidden areas, leaving open doors required to be closed, or committing other acts that endanger health or security, or neglecting to perform any prescribed duty, is punishable by fine or imprisonment. Failure to have coal or ore weighed where weight is the basis of payment,

violating orders of inspectors, forging or counterfeiting certificates or making false statements under the mining law, failing to perform duty as fire boss, entering mines or places where gas exists in dangerous quantities, using impure oil or explosives, defacing danger signals, entering a mine in an intoxicated condition, soliciting payments to foremen, etc., as a condition to procuring or continuing in employment or selling or permitting the use of uninspected illuminating oils, are punishable by fine or imprisonment or both.]

Railroads—Unlicensed employees

SECTION 5323. *Employment forbidden.*—Any person or corporation operating a railroad in this State who employs any person as engineer, fireman, train dispatcher, conductor, flagman, brakeman, or switchman, who has not been examined and licensed as provided by sections 9960, 9961, 9962 of this code, must, on conviction, be fined not less than one hundred nor more than five hundred dollars.

Employment of children to support parents in idleness

SECTIONS 5571–5574. *Vagrancy.*—[Able-bodied parents without sufficient property for their support, who do not work, but hire out their children or permit them to hire out, are classed as vagrants, subject to a fine of not over $500 and imprisonment at hard labor not over 12 months. If it is shown that the parent is able-bodied and does not work and the child is hired out, the burden of proving the possession of adequate means is on the parent. The foregoing provisions do not apply where idleness is due to strikes or lockouts.]

Labor organizations, etc.—Suits

SECTION 5723. *How action brought.*—An action or suit may be maintained by and in the name of any unincorporated organization or association.

SEC. 5724. *What suits allowed.*—Actions or suits may be maintained against and in the name of any unincorporated organization or association for any cause of action for or upon which the plaintiff therein may maintain such an action against the members of such organization or association.

SEC. 5725. *Service of process.*—Service of process in such action against such organization or association shall be had by service upon any officer or official member of such organization or association or upon any officer or official member of any branch or local of such organization or association: *Provided*, That any such organization or association may file with the secretary of state a designated officer or agent upon whom service shall be had and his residence within the State, and if such designation is so made and filed service of process shall be had only on the officer or agent so designated if he can be found within the State.

SEC. 5726. *Actions.*—Such organization or association shall be suable in any action now pending, or any cause of action now existing or hereafter arising. Such action may be maintained in any county where such organization or association does business or has in existence a branch or local organization.

SEC. 5727. *Judgments.*—Where a judgment in such actions is rendered in favor of the plaintiff against such organizations or associations the property of such organization or association shall be liable to the satisfaction of such judgment.

SEC. 5728. *Provisions severable.*—In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional or invalid, the same shall not be held to affect any other paragraph or provision of this act.

NOTE.—This act is not unconstitutional as impairing obligation of contracts or affecting vested rights. Grand International B. of L. E. *v.* Green (1923), 98 So. 569.

Wages as preferred claims—In administration

SECTION 5822. *Rank.*—[Wages of employees for services rendered the year of the death of the decedent rank next after the funeral expenses, the costs of administration, expenses of last sickness, and taxes.]

Liability of employers for injuries to employees

SECTION 7598. *When action may be brought.*—Except as otherwise provided by law, when a personal injury is received by a servant or employee in the service or business of the master or employer, the master or employer is

liable to answer in damages to such servant or employee, as if he were a stranger, and not engaged in such service or employment, provided such liability is enforced in a court of competent jurisdiction within the State of Alabama, and not elsewhere, in the cases following:

(1) When the injury is caused by reason of any defect in the condition of the ways, works, machinery, or plant connected with, or used in the business of the master or employer. (2) When the injury is caused by reason of the negligence of any person in the service or employment of the master or employer who has any superintendence intrusted to him, whilst in the exercise of such superintendence. (3) When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, to whose orders or directions the servant or employee at the time of the injury, was bound to conform, and did conform, if such injuries resulted from his having so conformed. (4) When such injury is caused by reason of the act or omission of any person in the service or employment of the master or employer, done or made in obedience to the rules and regulations or by-laws of the master or employer, or in obedience to particular instructions given by any person delegated with the authority of the master or employer in that behalf. (5) When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, who has the charge or control of any signal, points, locomotive, engine, electric motor, switch, car, or train, upon a railway, or of any part of the track of a railway. The master or employer is not liable under this section, if the servant or employee knew of the defect or negligence causing the injury and failed in a reasonable time to give information thereof to the master or employer, or to some person superior to himself engaged in the service or employment of the master or employer, unless the master or employer, or such superior, already knew of such defect or negligence; nor is the master or employer liable under subdivision 1, unless the defect therein mentioned arose from, or had not been discovered or remedied, owing to the negligence of the master or employer, or of some person in the service of the master or employer, and intrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition; but that in no event shall it be contributory negligence or an assumption of the risk on the part of a servant to remain in the employment of the master or employer after knowledge of the defect or negligence, causing the injury, unless he be a servant whose duty it is to remedy the defect or who committed the negligent act causing the injury complained of.

In order for recovery there must be actual employment; volunteer service or service outside the line of duty is not protected. 85 Ala. 203.

Liability is based on the fact of employment and not on contract, and can not be avoided by a contract or rule attempting to place the risk on the employee. 97 Ala. 126.

The statute does not apply to known risks and dangers of the service against which human skill and caution can not provide, nor to accidents incident to the business. 94 Ala. 199.

This section does not abrogate the defense of contributory negligence: a negligent employee can not recover under its provisions. 8 So. 357.

But if a fellow-servant acted so recklessly or wantonly as to raise the imputation of a willful or intentional injury, with knowledge that injury would probably result from his conduct, contributory negligence is not a defense. 85 Ala. 269.

Injury alone does not raise a presumption of negligence. 97 Ala. 171.

Causal connection must be shown between negligence and injury. 91 Ala. 496.

Jury may infer such connection from circumstances. 95 Ala. 397.

Damages recoverable are compensatory and not punitive, and do not include exemplary damages or damages for pain, suffering, or loss of society. 91 Ala. 548.

The employe must have notice or knowledge of rules to make their violation contributory negligence. 112 Ala. 216.

Custom and practice can not justify negligence. 94 Ala. 277.

But the employer may acquiesce in breach of rule. 100 Ala. 232.

Or waive its observance by inconsistent requirements. 111 Ala. 275.

A defect in ways must be of an inherent part: a movable object temporarily on the track is not within the statute. 110 Ala. 185.

Superintendence is not necessarily that exercised over the injured person, but if the negligence of a superintendent results in injury to any servant of the common master, the latter is liable. 97 Ala. 240.

The action of a superintendent put over a gang of laborers by a city can not be repudiated on the ground that his appointment was illegal when an employee brings action for injuries received through the superintendent's negligence. 14 So. 357.

The provisions of subsection 5 do not apply to the engineer of a stationary engine moving cars in a mine by the use of a cable and a drum. 26 So. 124.

The phrase "signal, points" means simply an apparatus for giving signals. It does not refer to locality, and is to be read without regard to the comma. 214 So. 683.

Street railways are within this section; 51 So. 424; and private roads, as in mines, etc. 54 So. 566.

SEC. 7599. *Damages exempt.*—Damages recovered by the servant or employee, of and from the master or employer, are not subject to the payment of debts, or any legal liabilities incurred by him.

SEC. 7600. *Suits to be brought within State.*—If such injury results in the death of the servant or employee, his personal representative is entitled to maintain an action therefor, in a court of competent jurisdiction within the State of Alabama and not elsewhere, and the damages recovered are not subject to the payment of debts or liabilities, but shall be distributed according to the statute of distributions.

When the injury results in death, no one but the personal representative can sue. 83 Ala. 493.
Damages are recoverable if injury was contributing cause of death. 91 Ala. 496.
If deceased left no next of kin, only nominal damages will be awarded. 92 Ala. 231.
That the deceased was a minor makes no difference under this statute. 90 Ala. 13.

SEC. 7601. *Contracts, etc., no bar to action.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employe, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee; but upon the trial of such action against any employer, the defendant may set off therein any sum he (or it) has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of death, to his personal representative.

Arbitration of labor disputes—State board

SECTION 7602. *Appointment of board.*—Within thirty days after this act takes effect the governor shall appoint three persons constituting what shall be known as the State board of mediation and arbitration. The terms of office of each member of said board shall be two years from the time of appointment, or until their successors are appointed; but the governor at any time may remove any member thereof from said office and appoint a successor thereto, should such member become in any manner incompetent to perform the duties of said office. One member of said board shall be known as chairman thereof and shall be so designated by the governor in making said appointment.

SEC. 7603. *Duties of board.*—The duty of said State board of mediation and arbitration shall be as follows: Whenever a strike or lockout occurs in the State of Alabama, or when such strike or lockout is seriously threatened, and the governor deem it advisable, he shall notify the chairman of said board and one of the members thereof shall proceed promptly to the locality of such strike or lockout and endeavor by mediation to effect an amicable adjustment of the controversy. If the governor deem it advisable he shall cause the chairman of said board to call all the members thereof to the locality of such strike or lockout to inquire into the cause thereof and for that purpose said board shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration.

SEC. 7604. *Meetings.*—Two members of such board shall constitute a quorum for the transaction of business and may hold meetings at any time or place within the State when for any purpose, pertaining to the duties of said board, the governor deems it advisable. Examinations or investigations may be held and taken by and before any of their number, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

SEC. 7605. *Submission of grievances.*—A grievance or dispute between an employer and his employees may be submitted to said State board of mediation and arbitration for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute, and the cause thereof, and also an agreement to abide [by] the determination of the board, and, during the investigation, to continue in business or at work without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpœna witnesses, compel their attendance, take and hear testimony and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by any member of the board and served by any person appointed for that purpose by the member issuing same, and who shall receive the same fees for his services as witnesses. Witnesses shall be allowed the same fee as in the circuit court of the State. The decisions of the board must be rendered within ten days after the completion of the investigation.

SEC. 7606. *Decision.*—Within ten days after the completion of every arbitration the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy thereof served upon each party to the controversy.

SEC. 7607. *Reports.*—The chairman of said State board shall make a report in writing of each and every arbitration had by them, or investigation made by them, and the results and effects thereof, to the legislature.

SEC. 7608. *Local boards.*—A grievance or dispute between an employer and his employees may be submitted to a local board of arbitrators consisting of three persons for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one arbitrator may be appointed by such organizaton and one by the employer. The two so designated shall appoint a third who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate one arbitrator for such board.

SEC. 7609. *Consent of arbitrators.*—Before entering upon his duties each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business it shall select one of its members to act as secretary and notice of the time, of place and hearing shall be given to the parties to the controversy. The local board may, through its chairman, subpœna witnesses, compel their attendance, and take and hear testimony as is provided herein for the State board of mediation and arbitration.

SEC. 7610. *Compensation of local board.*—Each member of such local board shall receive as compensation for his services four dollars ($4) for each day actually engaged in such hearing.

SEC. 7611. *Decision.*—The local board shall within ten days after the close of the hearing render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county, or counties, where the controversy arose, one copy forwarded to the chairman of the State board of mediation and arbitration, one copy to the governor, and one copy each to the parties of the controversy.

SEC. 7612. *Compensation and expenses.*—The members of the State board shall receive as compensation for their services six dollars ($6) each per day while engaged in the duties of the office as herein defined and railway fare expended in the performance of such duties, said compensation to be paid out of the State treasury; all cost of witnesses as herein provided shall be taxed, in cases of arbitration of matters voluntarily submitted to said State board, and the cost of local arbitration, including witness fees and fees of local arbitrators as herein provided, against the parties to said arbitrations, equally. All witness costs in making investigations by the State board in controversies not voluntarily submitted shall be paid out of the State treasury.

Exemption of wages from garnishment, etc.

SECTION 7887. *Amount.*—[Wages in the amount of $25 per month are exempt from levy under writs of garnishment, etc.]

NOTE.—This provision is constitutional, and a waiver of exemption rights is void. Richardson *v.* Kaufman, 143 Ala. 243, 39 So. 368.

Payment of wages due deceased employees

SECTION 7923. *Payment to widow, etc.*—Whenever an employee of another shall die intestate and there shall be due him as wages or salary a sum not exceeding one hundred dollars, the debtor may discharge himself from liability therefor by paying such amount to the widow of the deceased employee, or, if there be no widow, to the person having the actual custody and control of his minor child or children, or either, as the case may be, who may sue for and recover the same as part of the one thousand dollars in personalty exempted to them.

Garnishment of wages, etc., of public employees

SECTIONS 8088–8091. *Service.*—[Money due officials or employees in public service as salaries or wages may be garnisheed by service of a writ on the person authorized to make payment of the same, but only after final judgment or decree, and not on judgments issued ex delicto.]

SECS. 8092, 8093. *Payment.*—[Answers must show assent of person on whom the writ is served, who must thereafter draw no warrant or check for the wages or salary due until the garnishment proceedings have terminated, unless the writ is legally dissolved. After final judgment, the money must be paid into the court rendering the judgment.]

Accidents on railroads—Reports

SECTION 9848. *Reports required.*—Every person, corporation, company, or association operating a railroad shall give notice to the [railroad] commission of every accident happening on any portion of its line in this State, which is attended with death or maiming or other serious injury to the person of anyone, within five days thereafter, giving facts and circumstances of such accident, which any one or more of the commission may investigate, and the result of such injury, with such details as they may deem necessary, shall be entered upon the record of the proceedings of the commission.

Examination and licensing of railroad employees

SECTION 9960. *Examination required.*—It shall be the duty of every person or corporation operating a railroad in this State, before employing any person as train dispatcher, engineer, conductor, fireman, flagman, brakeman, trackman, or switchman, to subject the applicant for employment to a thorough examination respecting his capacity to fill the position applied for, his moral character and reputation, his sobriety and previous record, his knowledge of the rules and regulations governing the employees of the railroad, the knowledge which may be necessary or proper for the skillful performance of his duties, and shall subject the applicant for employment to a thorough examination respecting his ability and capacity to see and distinguish objects and color, commonly called color-blind examination, and respecting his sense of hearing.

SEC. 9961. *By whom made.*—The examination required in the preceding section must be made by the superintendent of the road or by the master of trains, or master mechanic of the railroad, and shall be reduced to writing on blanks provided for that purpose. If the applicant shall be found qualified in all respects for the position, the approved application papers shall be filed in the office of the superintendent in this State, or if there be no such superintendent, then in the principal office of such railroad in this State. Such examination papers, when certified by the officer having custody of them, shall be evidence of their contents and of the fact of such examination without further proof.

SEC. 9962. *License.*—If the applicant, upon examination, shall be found competent, and his examination papers are approved by the general manager or other chief executive officer, the superintendent, or other person selected by him to conduct such examination, shall issue without charge a license to the applicant to engage in the occupation about which he has been examined.

Wages as preferred claims—In receiverships

SECTION 10122. *Amount.*—[Wages or salaries for three months, not over $300, owed by corporations or partnerships going into the hands of receivers, are to be paid first.]

Exemption of wages—Set-offs

SECTION 10172. *Written agreements required.*— * * * the wages or hire of any head of a family in this State, not having property liable to levy and sale under execution, can not be defeated or abated by any set-off of a money demand acquired by the person contracting to pay such wages by assignment or transfer, unless the parties otherwise agree in writing.

ALASKA

COMPILED LAWS—1913

Alien labor—Employment in fisheries

SECTION 254. *Aliens not to fish.*—It shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or District thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska, under the jurisdiction of the United States: * * * *And provided further*, That nothing contained in this act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States either at stated wages or by piecework, or both, in connection with Alaskan fisheries, or with the canning, salting or otherwise preserving of fish.

Wages—Exemption—Preference

SECTION 1105. *Sixty days' earnings exempt, when.*— * * * The following property shall be exempt from execution if selected and reserved by the judgment debtor or his agent at the time of the levy, or as soon thereafter before sale thereof as the same shall be known to him, and not otherwise:

First. The earnings of the judgment debtor, for his personal services rendered at any time within sixty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor;

SEC. 1704. *Order of payment of demands.*—The charges and claims against the estate * * * shall be paid in the following order, * * * : First, funeral charges; second, taxes of whatever nature due the United States; third, expenses of last sickness; fourth, all other taxes of whatever nature; fifth, debts preferred by the laws of the United States; sixth, debts which at the death of the deceased were a lien upon his property or any right or interest therein according to the priority of their several liens; seventh, debts due employee of decedent for wages earned within ninety days immediately preceding the death of the decedent; eighth, all other claims against the estate.

ACTS OF 1913

CHAPTER 7.—*Hours of labor on public works—Eight-hour day*

SECTION 1. *Eight hours a day's work.*—Hereafter, eight hours in any calendar day, shall constitute a day's work on any work done for the Territory or any municipality within the Territory, subject to the following conditions:

SEC. 2. *Contracts for public works, etc.*—All work done by contract or subcontract on any building or improvements, or work on roads, bridges, streets, alleys or buildings for the Territory or any municipality within the Territory, shall be done under the provisions of this act: *Provided*, That in cases of extraordinary emergency such as danger to life or property, the hours for work may be extended. And for this purpose this act is made a part of all contracts, subcontracts or agreements for work done for the Territory or any municipality within the Territory.

SEC. 3. *Violations.*—[Any contractor, subcontractor, or agent of same, or employer, violating this act, shall be fined not less than $50 nor more than $500, or imprisoned not less than 10 nor more than 90 days, or both.]

CHAPTER 9.—*Protection of employees as traders, etc.*

SECTION 1. *Coercion as to boarding or trading.*—It shall be unlawful for any person or corporation to compel by threats or intimidation, or threats of discharge, or to use any means to compel an employee against his will to board at any particular hotel, boarding house or other place where lodging or board may be provided, or to require an employee to purchase goods and supplies at any particular store.

SEC. 2. *Penalty.*—[Violations of this act shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment for not less than ten nor more than thirty days, or both.]

CHAPTER 36.—*Employment of labor—False representations*

SECTION 1. *False statements.*—It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this Territory, by himself, themselves, his, its, or their agents or attorneys to induce, influence, persuade or engage workmen to change from one place to another in this Territory, to bring workmen of any class or calling into this Territory to work in any of the departments of labor in this Territory, through or by means of false or deceptive representations, false advertising, or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of their employment.

SEC. 2. *Penalty.*—[Violations of section one or any part thereof shall be liable to a fine of not more than $2,000, or confinement in the Federal jail not more than one year, or both.]

SEC. 3. *Hiring armed guards.*—Any person or persons who shall, in this Territory, or any other Territory or State, hire, aid, abet or assist in hiring through agencies or otherwise, persons to guard with arms or deadly weapon of any kind other persons or property in this Territory, or any person or persons who shall come into this Territory armed with deadly weapons of any kind for any such purpose without a permit from the governor of this Territory in writing shall be guilty of felony and on conviction thereof shall be imprisoned in the Federal jail not less than one year nor more than five years: *Provided*, That nothing contained in this act shall be construed to interefere [interfere] with the right of any person, persons, or company, corporation, society, association or organization in guarding or protecting their private property, or private interest as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this Territory, or induced to go from one place to another in this Territory by any false pretenses, false advertising, or deceptive representations, or brought into this Territory under arms, or removed from one place to another in this Territory under arms.

SEC. 4. *Recovery of damages.*—Any workmen of this Territory, or any workmen of another Territory or State who have been or shall be influenced, induced or persuaded to engage with any persons mentioned in section one of this act through or by means of any of the things herein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies or associations, directly or indirectly causing such damages; and in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix, to be taxed as costs in any judgment recovered.

CHAPTER 45.—*Liability of employers for injuries to employees*

SECTION 1. *Liability.*—Every person, association, or corporation engaged in the business of manufacturing, mining, constructing, building, or other business or occupation carried on by means of machinery or mechanical appliances shall be liable to any of its employees, or, in the event of his death, to his personal representative for the benefit of his widow and children, if any, if none, then for his parents, if none, then for his next of kin dependent upon him, for all damages which may result from negligence of any of its or his or their officers, agents, or employees, or by reason of any defect or insufficiency due to its or their negligence in the machinery, appliances and works

SEC. 2. *Comparative negligence.*—In all actions hereafter brought against a master or employer such as is mentioned in the first section hereof, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

SEC. 3. *Contracts of exemption not a bar.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages or personal injuries to or death of any employee: *Provided, however*, That upon the trial of such action the defendant may set off therein any sum contributed by such employer toward any such insurance, relief benefit, or indemnity that may have been paid to such employee, or in case of his death to his personal representative.

And provided further, That any insurance, relief benefit, or indemnity furnished by the master and paid for by contributions exacted from, or paid by his employee shall not be allowed as set-off.

SEC. 4. *Limitations.*—No action shall be maintained under this act unless it be shown that there exist beneficiaries as provided in section 1 hereof; nor unless such action be brought within two years from the time the cause of action accrued.

CHAPTER 70.—*Arbitration of labor disputes*

SECTION 1. *Governor to offer mediation.*—Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and his employees, seriously interrupting or threatening to interrupt the business of the employer, the governor shall, upon the request of either party to the controversy, with all practicable expedition, put himself in communication with the parties to such controversy, and shall use his best efforts, by mediation and conciliation, to amicably settle the same. He may either exercise such powers of conciliation himself, or appoint a commission for such purpose. If such efforts of conciliation shall be unsuccessful, the governor shall at once endeavor to bring about an arbitration of such controversy in accordance with the provisions of this act.

SEC. 2. *Board of arbitration.*—Whenever such controversy shall arise between an employer and his employees which can not be settled by mediation and conciliation in the manner provided in the proceding section, such controversy, may, with the consent of the parties to the controversy, be submitted to the arbitration of a board of three persons who shall be chosen in the manner following: One shall be named by the employer directly interested; the other by the labor organization to which the employees directly interested belong, or if they belong to more than one, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration, who shall be a person disinterested in the controversy, but in the event of their failure to name such arbitrator within five days after their first meeting, the submission to arbitration shall be recalled. A majority of said arbitrators shall be competent to make a binding and valid award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization or organizations representing employees, shall specify the time and place of meeting of such board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings including the testimony relating thereto certified under the hands of the arbitrators, shall

be filed in the clerk's office of the district court for the division wherein controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided.

SEC. 3. *Award in effect, when.*—The award being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom. At the expiration of thirty days from the decision of the district court upon exception taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless within thirty days either party shall appeal therefrom to the United States Circuit Court of Appeals for the Ninth Judicial Circuit. In such case only such portion of the record shall be transmitted to the circuit court of appeals as is necessary to a proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said circuit court of appeals upon said questions shall be final, and being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award, but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy; which judgment when entered shall have the same force and effect as judgment entered upon award.

SEC. 4. *Powers of board.*—For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpoenas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements and documents material to a just determination of the matters under investigation, as may be ordered by the courts; and may invoke the aid of the said courts to compel witnesses to attend and testify, and to produce such books, papers, contracts, agreements and documents as the courts shall determine to be material and competent evidence.

SEC. 5. *Agreements to arbitrate.*—Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of the district court of the Territory, and when so acknowledged a copy of the same shall be filed with and recorded by the recorder of the precinct in which the arbitration is entered into, and a copy shall also be sent to the governor who shall file the same in the office of the secretary of the Territory, who shall cause a notice in writing to be served upon the arbitrators, fixing the time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however*, That the governor shall decline to call a meeting of the arbitrators under such agreement unless it is shown to his satisfaction that the employees signing the submission represent or include a majority of all the employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 6. *Restrictions on parties to arbitration.*—During the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet, strikes against said employer; nor during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid without giving 30 days' written notice of an intent so to discharge; nor for any of such employees, during a like period to quit the service of said employer without just cause, without giving to said employer 30 days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided*, That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such a reduction.

SEC. 7. *Expenses.*—The agreement of arbitration shall provide for the compensation of arbitrators, and their traveling and other necessary expenses.

ACTS OF 1917

CHAPTER 4.—*Hours of labor in mines*

SECTION 1. *What work injurious and dangerous.*—Employment in underground coal mines, underground lode mines, underground placer mines, in underground coal, lode or placer workings, and in all other underground mines or workings of any kind or nature whatsoever, is hereby declared to be injurious to health and dangerous to life and limb.

SEC. 2. *Eight-hour day.*—The period of employment of any person in underground coal mines, underground lode mines, underground placer mines, underground coal, lode or placer workings, and in all other underground mines, or workings of any kind or nature whatsoever, shall not exceed eight hours within any twenty-four hours, except on such days as change of shift is made, excluding, however, any intermission of time for lunch or meals, or otherwise going to, or from the place where the work is actually carried on, whether going to or coming from the place of work be in going on, or off shift, or in going to, or returning from meals or lunch. It being the intention of this act to limit the hours of employment in any twenty-four hours to eight hours of actual labor at the face, or other place or places where the work or labor to be done is actually performed; except in case of emergency, where life or property is in imminent danger, the period may be extended during the continuance of such emergency.

SEC. 3. *Violations.*—[Any violations of this act shall be punished by a fine of not less than $100 nor more than $500, or by imprisonment for not less than 60 days nor more than six months, or both; on second conviction within two years, imprisonment for not less than 60 days nor more than one year. Every day's violation shall constitute a separate offense.]

SEC. 4. *Provisions severable.*—Should it be adjudicated that any portion, section, or part of any section of this act, is unconstitutional or otherwise invalid for any reason, an adjudication of invalidity of such portion, section, proviso or part of any section of this act shall not affect the validity of the act as a whole or any other part thereof.

CHAPTER 51.—*Mine regulations*[1]

SECTIONS 1–31. *Summary.*—[This act is a mining code for the Territory of Alaska, and repeals chapter 72, Acts of 1913, and chapter 69, Acts of 1915. A territorial mine inspector is to be appointed by the governor, who is to be theoretically and practically qualified for his duties. Besides the customary inspections, he is to examine the men in charge of first-aid work, and, if requested, give instruction therein. Orders as to unsafe mines are subject to review by the governor, and through him an appeal may be taken for review and revision by the United States Bureau of Mines. Reports of accidents and investigations of the same are provided for. Statistical records must be fur-

[1] See ch. 14, Acts of 1921.

nished by operators, and reports made by the inspector covering the various branches of his activities. The act prescribes guards for dangerous machinery, safety provisions in the sinking of shafts, hoisting of men and materials, construction of cages, etc., and requires escape shafts in all mines having a depth of 300 feet. Boys under the age of 16 years may not be employed underground. A code of signals is established by the law, and a list of articles necessary to be kept for first aid to the injured. Only experienced men are permitted to use high explosives, and provisions are made as to tamping, blasting, storage, etc.]

ACTS OF 1919

CHAPTER 59.—*Labor commissioner—Creation of office—Factory inspection*

SECTION 1. *Office created.*—The office of labor commissioner of the Territory of Alaska is hereby created.

SEC. 2. *Who to act.*—The mining inspector of the Territory of Alaska shall be ex-officio labor commissioner, but shall receive no additional compensation for acting as such labor commissioner. The mining inspector is hereby empowered and authorized to perform the duties of such labor commissioner as provided in this act.

SEC. 3. *Duties.*—The duties of the labor commissioner of the Territory of Alaska shall be:

(a) To assort, systematize, and present in biennial report to the governor of Alaska statistical details relating to all departments of labor in the Territory, especially in its relation to the industrial, social, and sanitary conditions of the laboring classes, and to the permanent prosperity of the industries of the Territory.

(b) He shall have the power to enforce all sanitary and safety regulations, as are hereinafter set forth.

(c) He may inspect any factory, cannery, or other establishment where labor is employed, and is hereby empowered and authorized so to do.

SEC. 4. *Sanitary provisions.*—In every factory, cannery, or other establishment where labor is employed, all refuse, waste, and sweepings shall be removed or disposed of at least once a day and in such a manner as not to become a nuisance. In every factory, cannery, or other establishment in which any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard to the health of employees and grating or dry standing rooms shall be provided, if practicable, at points where employees are regularly stationed, and adequate means shall be provided for drainage and for preventing seepage or leakage to the floors below.

SEC. 5. *Drinking water.*—In every factory, cannery, or other establishment where labor is employed, there shall be provided a sufficient supply of clean and pure drinking water; if such drinking water is placed in receptacles, such receptacles shall be properly covered to prevent contamination, and shall be thoroughly cleaned at frequent intervals. There shall be provided and maintained suitable and convenient wash rooms, separate for each sex, adequately equipped with washing facilities, consisting of sinks or stationary basins provided with running water, or with tanks holding an adequate supply of clean water. And there shall be provided in every factory, cannery, or other establishment employing ten (10) or more persons, shower baths with a sufficient supply of hot and cold water. All wash rooms, washing facilities, and sleeping quarters (when furnished by employer) shall be constructed, lighted, heated, ventilated, arranged and maintained according to rules and regulations drawn up by the labor commissioner.

SEC. 6. *Water-closets.*—[Every establishment where labor is employed shall be provided with suitable water-closets, earth closets, or privies. Where both male and female persons are employed, they shall be separate, and shall be kept in a sanitary and clean condition.]

SEC. 7.—*Temperature.*—In every factory, cannery, or other establishment, where labor is employed, adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, equable temperature, consistent with the reasonable requirements of the manufacturing process.

SEC. 8. *Inspection.*—It shall be the duty of every employer of labor, his superintendent, manager, or agent, in this Territory to afford to the labor commissioner every facility for the inspection of his factory, cannery, or other establishment where labor is employed, and for procuring statistics of the wages and conditions of his employees.

SEC. 9. *Violations.*—[Violations of this act shall be punished for first offense by fine of not less than $25 nor more than $50, or by ten days imprisonment or both. On second offense by fine of not less than $100 nor more than $200 or by imprisonment for one month, or by both fine and imprisonment.]

ACTS OF 1921

CHAPTER 14.—*Mine regulations—Coal mines*

SECTIONS 1–50. *Inspection, safety, etc.*—[This act is a code of mining law for all coal mines in the Territory, and excludes chapter 51, Acts of 1917, from any application thereto. Inspection at all reasonable times is to be permitted and facilitated by the manager. The operation of dangerous mines may be forbidden. Registration, and reports of production, accidents, etc., as may be called for, are required. The act requires a monthly report of all accidents, and immediate reports of all serious or fatal accidents; also report of return to work in cases of serious accident. Rules for safety, first aid, rescue training, etc., are given; and escape ways and safety appliances are prescribed, including safety lamps, clearance in ways, supply of timber, the storage and use of explosives, ventilation, sprinkling, electric installation, etc.]

CHAPTER 44.—*Mine inspector*

SECTIONS 1–3. *Appointment.*—[This act provides for the biennial appointment of a mine inspector by the governor, with the assent and approval of the senate. See chapter 82, Acts of 1923.]

ACTS OF 1923

CHAPTER 35.—*Mine foremen and fire bosses*

SECTIONS 1, 2. *Employment.*—[This act forbids the employment, in any coal mine employing more than ten men underground in one shift, of a mine foreman, assistant foreman or fire boss who does not hold a certificate of competency issued by a State board of examiners within ten years, or by the supervising mining engineer of the United States Bureau of Mines for Alaska.]

CHAPTER 49.—*Payment of wages*

SECTION 1. *Mode.*—The payment of wages and other compensation of employees in all private employments in the Territory of Alaska shall be made in lawful money of the United States, or by good and valid negotiable check or draft, payable in good and lawful money of the United States upon presentation thereof, and without grace, at some bank in the Territory of Alaska nearest the place where the work or labor was performed, without discount.

SEC. 2. *Penalty.*—Every person, or any agent of any person, copartnership, association, or corporation, who, having the ability to pay, shall willfully refuse to pay the wages or compensation due and payable, when demanded as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure for himself or any other person, any discount upon such indebtedness, or with intent to annoy, or harass, or opress [oppress], or hinder, or delay, or defraud, the person to whom the indebtedness is due, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars ($500) or by imprisonment of not more than sixty (60) days.

SEC. 3. *Damages.*—Whenever any person, company, or corporation is compelled to sue for the recovery of wages or for the face value of the check, memorandum, token, or evidence of indebtedness issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company, or corporation issuing the same failing or refusing to pay the same on demand, as provided in this act, then, and in such case, if judgment be rendered in favor of plaintiff the court shall tax the attorney fees of not less than ten ($10) dollars and not more than fifty ($50) dollars in favor of the judgment creditor and the further sum of twenty-five ($25) dollars as damages to the plaintiff suffered by the plaintiff by reason of being compelled to sue for the

recovery of such claims: *Provided*, That no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the claims, the burden of proof of said sufficient excuse being on the defendant, and, should the court or jury find such excuse sufficient, the same is to be specified in the verdict or judgment of the said court or jury.

SEC. 4. *Wages due.*—All wages of employees in and around canneries and salteries shall be due and payable monthly and within fifteen (15) days after the last day of the month in which the wages were earned: *Provided, however*, That when the services are completed or the employee is discharged prior to such pay day the wages or other compensation earned by him shall be paid without delay, but nothing contained herein shall be construed to prohibit the payment of wages at more frequent periods than monthly.

SEC. 5. *Notices to be posted.*—Every employer shall establish and maintain regular pay days as herein provided and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where such notices can be seen by the employees as they go to and from their work, setting forth the regular pay days as herein prescribed. Nothing in this act contained shall be deemed to interfere with any right of contract.

CHAPTER 82.—*Mine inspector*

SECTIONS 1–4. *Joint supervision.*—[This act suspends till March 31, 1925, the operation of chapter 44, Acts of 1921, authorizes the governor to arrange with the Department of the Interior for joint Territorial and Federal supervision of the inspection of mines other than coal mines, and appropriates $7,000 to carry out the proposed plan.]

CHAPTER 101.—*Private employment offices*

SECTION 1. *License.*—[The license fee law for the year 1923 continues the charge of $500 per annum on employment agencies "operating for hire and collecting a fee for services."]

ARIZONA

CONSTITUTION

ARTICLE II.—*Actions for personal injuries—Damages*

SECTION 31. *No limit on damages.*—No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury of any person.

ARTICLE XV.—*Safety of public service employees*

SECTION 2. *Scope of law.*—All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public service corporations.

SEC. 3. *Power to make rules.*—The corporation commission * * * may * * * make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations; * * *

ARTICLE XVIII.—*Employment of labor*

SECTION 1. *Limit of 8 hours per day on public works.*—Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State or any political subdivision of the State. The legislature shall enact such laws as may be necessary to put this provision into effect, and shall prescribe proper penalties for any violations of said laws.

SEC. 2. *Age limit for children.*—No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb; nor in any occupation at night, or for more than eight hours in any day.

SEC. 3. *Waivers of employers' liability.*—It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, or corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.

SEC. 4. *Fellow-servant doctrine.*—The common law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servants resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.

SEC. 5. *Contributory negligence and assumed risk.*—The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

SEC. 6. *Actions for injuries.*—The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

SEC. 7. *Employers' liability law.*—To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the legislature shall enact an employer's liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all

cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

SEC. 9. *Black lists.*—The exchange, solicitation, or giving out of any labor "black list," is hereby prohibited, and suitable laws shall be enacted to put this provision into effect.

SEC. 10. *Employment of aliens on public works.*—No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation, of this section.

ARTICLE XIX.—*Mine regulations—Inspector*

SECTION 1. *Office created; laws to be enacted.*—The office of mine inspector is hereby established. The legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the governor, the governor, with the advice and consent of the senate, shall forthwith appoint a mine inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for two years.

REVISED STATUTES—1913

Exemption of wages from garnishment

PARAGRAPH 1452. *Exemptions.*—[One-half the debtor's earnings for personal services for 30 days are exempt on affidavit that such earnings are necessary for the support of his family.]

Railroad regulations

PARAGRAPH 2165.—*Leaking engines.*—No locomotive, from which steam escapes to such an extent as to obstruct the view of the men operating such locomotive, shall be used or permitted to be used in any yard or over any railroad or portion of a railroad, in this State: *Provided*, That this section shall not apply to the result of accident between terminals, until the engine reaches its destination. Any person, firm, company, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than one hundred dollars nor more than one thousand dollars.

PAR. 2190. *Relief societies.*—No railroad company now existing or hereafter created under and by virtue of the laws of this State, or of any other State or country, and having and operating a line of railway in this State, may establish or maintain, or assist in establishing or maintaining, any relief association or society, the rules or by-laws of which shall require of any person or employee becoming a member thereof, to enter into a contract, agreement, or stipulation, directly or indirectly, whereby such person or employee shall stipulate or agree to surrender or waive any right of damage against any railroad company for personal injuries, or death, or whereby such person or employee agrees to surrender or waive, in case he asserts such claim for damages, any right whatever, and any such agreement or contract so signed by such person shall be null and void.

PAR. 2191. *Bonds of employees from specified companies, etc.*—No common carrier authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatsoever, shall require such employee to have such bond or undertaking, executed as surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations, or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

PARS. 2192, 2193. *Nonresident companies; term; cancellation.*—[No nonresident surety may be required, and none may be accepted unless a resident is designated, on whom notice can be served, and with whom records can be kept. Bonds must be for specified terms, and may not be canceled before the expiration of the same except for breach of condition and on notice duly given.]

PAR. 2194. *Violations.*—[Violations entail a penalty of fine, $100 to $1,000, or imprisonment, 30 days to one year, or both.]

Public service corporations—Safety—Accidents

PARAGRAPH 2289. * * * *Provisions required.*—(b) Every public-service corporation shall furnish, provide, and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just, and reasonable.

PAR. 2318. *Rules.*—[The corporation commission is authorized to make rules after a hearing, governing the operation of public-service corporations with a view to the health and safety of employees, etc., including installation of interlocking devices, block systems of signaling, uniform and other standards of equipment, etc.]

PAR. 2320. *Accidents.*—[Accidents on the property of any public-service corporation or arising from the maintenance or operation of the same, resulting in loss of life or injury to persons or property must be reported, and may be investigated if in the judgment of the commission investigation is required; but reports and investigations, etc., are not available in any suit for damages.]

Employment of children—School attendance

PARAGRAPHS 2802–2804 (as amended 1921, ch. 143). *Requirement.*—[Attendance at school until 16 is required unless excused (among other reasons) because "such child is over 16 [apparently should be 14] years of age, and, with the consent of its parents or guardians, is employed at some lawful wage-earning occupation." Children under 16 cannot be employed during school hours without a permit. If attendance at school is prevented because of the necessity to work for support, the judge of the juvenile court may grant an allowance to permit attendance. Violations are punishable by fine or imprisonment, or both. Attendance officers may inspect places of employment to enforce the law.]

Hours of labor

PARAGRAPH 3098. *Employment hazardous.*—The business of conducting and operating an electric light plant, or any electric power plant, is hereby declared to be hazardous and dangerous to those employed therein.

PAR. 3099. *Limit of eight hours per day.*—It shall be unlawful for any person, corporation or association operating or managing any electric light plant, or any electric power plant, or both, within this State, to permit, or cause to be permitted, any operating engineer or fireman, or switchboard operator, or any attendant in its service, employed in or about such plant, to be on duty more than eight hours in any twenty-four consecutive hours; except in cases of emergency when life or property is in imminent danger.

PAR. 3100. *Violations.*—[Violations of preceding section are punishable by a fine of not to exceed $100, each day's violation constituting a separate offense.]

PAR. 3103. *Limit of eight hours per day on public works.*—Eight hours, and no more, shall constitute a lawful day's work for all laborers, workmen, mechanics or other persons doing manual or mechanical labor, now employed or who may hereafter be employed by or on behalf of the State of Arizona or by or on behalf of any political subdivision of the State, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours each calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons doing manual or mechanical labor, so employed and working to exceed eight hours each calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons doing manual or mechanical labor so employed by or on behalf of the State of

Arizona, or of any political subdivision of the State; and laborers, workmen, mechanics and other persons doing manual or mechanical labor, employed by contractors or subcontractors in the execution of any contract or contracts with the State of Arizona, or with any political subdivision of the State, shall be deemed to be employed by or in behalf of the State of Arizona, or of such county, city, township, or other municipality thereof.

PAR. 3104. *Contracts.*—All contracts hereafter made by or on behalf of the State of Arizona, or by or on behalf of any political subdivision of the State, with any corporation, person or persons for the performance of any work or the furnishing of any material manufactured within the State of Arizona, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person doing manual or mechanical labor, to work more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in the preceding section.

PAR. 3105. *Aliens not to be employed.*—No person not a citizen or ward of the United States, or who has not declared his intentions to become a citizen shall be employed upon, or in connection with, any State, county, or municipal works, or employment: *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State, or by any county or municipality thereof, on street or road work, or other public work.

PAR. 3106. *Violations.*—[Violation of three preceding sections is punishable by a fine of not less than $50 nor more than $1,000, or by imprisonment for not more than six months, or both.]

PAR. 3108. *Eight-hour day in mines, etc.*—The period of employment of hoisting engineers at the mines in this State, and furnace men at the smelters in said State, shall be eight hours per day except in cases of emergency where life or property is in imminent danger.

PAR. 3109. *Violations.*—[Violation of preceding section punishable by a fine of not less than $100 nor more than $300 for each offense.]

Employment of women and children

PARAGRAPH 3110. *Age.*—[No child under 14 may be employed in any mill, factory, workshop (including tenement-house factories and workshops) mercantile establishment, office, telegraph or telephone office, restaurant, bakery, etc., or as bootblack, messenger or delivery boy; but boys 10 to 14 may be allowed to deliver newspapers or do other work outside school hours, not harmful in the opinion of the board of school trustees.]

PAR. 3111. *School hours.*—[No child under 14 may be employed in any business during school hours.]

PARS. 3112–3114. *Dangerous occupations.*—[Employment of children under 16 in designated list of dangerous occupations (for similar list see sec. 3145, Delaware Code), or in any other employment declared by the State board of health to be dangerous or injurious is forbidden.]

PAR. 3115. *Seats for females.*—Females shall not be employed, permitted, or suffered to work in any capacity where such employment compels them to remain standing constantly. Every person who shall employ any female in any place or establishment mentioned in the first section [sec. 3110] of this chapter [secs. 3110–3145] shall provide suitable seats, chairs, or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs, or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least two chairs to every three females.

PARS. 3116–3125. *Certificates.*—[Employment certificates are required for children to 16; child must be 14, have completed 5 grades of school, and be of normal physical development and fitness. Issue is by the school authorities.]

PAR. 3126. *Enforcement.*—[Inspectors, etc., may require discharge of a child apparently under 16 for whom no permit or evidence of age is produced.]

PARS. 3127, 3128. *Dangerous occupations.*—[Employment under 18 in certain occupations is forbidden. For similar list, see sec. 3148, Delaware Code. The State board of health may add thereto.]

PAR. 3129. *Female in coal mines.*—No female shall be employed, permitted, or suffered to work in or about any mine, quarry, or coal breaker.

PAR. 3130. *Messengers.*—[The employment of minors in incorporated cities and towns as messengers or in delivery service between 10 p. m. and 5 a. m. is forbidden.]

PAR. 3131. *Work time.*—[Boys under 16 and girls under 18 may not work more than 8 hours per day or 48 hours per week except in farm or domestic service.]

PAR. 3132. *Schedule.*—[Time for beginning, ending, and allowance for meals must be posted in workrooms of boys under 16 and girls under 18.]

PAR. 3133. *Street trades.*—[Boys under 10 and girls under 16 may not sell newspapers, periodicals, or merchandise on the street. Boys under 10 may not work as bootblacks.]

PAR. 3134. *Enforcement.*—[Inspectors may visit any place of employment and report violations.]

PARS. 3135-3145. *Violations.*—[Penalties range from $5 to $200 for violations of the different sections by parents, officials, employers, etc.]

Employment of labor—Foremen, etc., accepting fees

PARAGRAPH 3146. *Fees, etc., forbidden.*—It shall be and is hereby made unlawful for any manager, superintendent, officer, agent, servant, foreman, shift-boss, or other employee of any person or corporation, charged or intrusted with the employment of any wokmen or laborers, or with the continuance of workmen or laborers in employment, to demand or receive, either directly or indirectly, from any workman or laborer, employed through his agency, or worked or continued in employment under his direction or control, any fee, commission, or gratuity of any kind or nature as the price or condition of the employment of any such workman or laborer, or as the price or condition of his continuance in such employment; and any such manager, superintendent, officer, agent, servant, foreman, shift boss, or other employee of any person or corporation charged or intrusted with the employment of laborers or workmen for his principal, or under whose direction or control such workmen and laborers are engaged in work and labor for such principal, who shall demand or receive, either directly or indirectly, any fee, commission, or gratuity of any kind or nature, from any workman or laborer employed by him or through his agency, or worked under his direction and control, either as the price and condition of the employment of such workman or laborer or as the price and condition of the continuance of such workman or laborer in such employment, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars and not exceeding three hundred dollars, or by imprisonment not exceeding six months, or both such fine and imprisonment, in the discretion of the court trying the charge.

Dangerous employments

PARAGRAPH 3147. *What employments dangerous.*—Employment in all underground mines, underground workings, open cut workings, open pit workings, in or about, and in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes, cement works, rolling mills, rod mills and at coke ovens and blast furnaces, is hereby declared to be injurious to health and dangerous to life and limb.

Railroads—Qualifications of employees

PARAGRAPH 3148. *Engineers.*—If any person shall run or operate any locomotive engine upon any railroad in the State of Arizona, without having served three years prior thereto as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor, and he shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

PAR. 3149. *Conductors.*—If any person shall act or engage to act as a conductor on a railroad train in this State without having for three years prior thereto served or worked in the capacity of a brakeman or conductor on a freight train on a line of railroad, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

PAR. 3150. *Unlawful employment.*—If any person shall knowingly engage, promise, require, persuade, prevail upon or cause any person to do any act in violation with the provisions of the two preceding sections of this chapter, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars; and each day he so engages shall constitute a separate offense.

PAR. 3151. *Exemptions.*—Nothing in this chapter shall be construed as applying to the running or operating of engines, in taking said engines to and from trains at division terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto at engine houses, train or freight yards by switchmen or yardmen, or in the case of the disability of an engineer or conductor while out on the road between division terminals. In case of emergency where such companies can not obtain the employees mentioned in this chapter who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary engineers and conductors who have not the qualifications prescribed by this chapter until such trains reach their terminal.

PAR. 3152. *Application of act.*—The provisions of this chapter shall not apply to any railroad company within this State or the receiver or lessee thereof, whose line of railway is less than twenty-five miles in length.

Liability of employers for injuries to employees

PARAGRAPH 3153. *Title.*—This chapter [pars. 3153-3162] is and shall be declared to be an employer's liability law as prescribed in section 7 of Article XVIII of the State constitution.

PAR. 3154. *Employer liable, when.*—To protect the safety of employees in all hazardous occupations in mining, smelting, manufacturing, railroad, or street railway, transportation, or any other industry, as provided in said section 7 of Article XVIII of the State constitution, any employer, whether individual association, or corporation, shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

PAR. 3155. *Employment, hazardous.*—The labor and services of workmen at manual and mechanical labor, in the employment of any person, firm, association, company, or corporation, in the occupations enumerated in the next section hereof, are hereby declared and determined to be service in a hazardous occupation within the meaning of the terms of the preceding section.

By reason of the nature and conditions of, and the means used and provided for doing the work in, said occupations, such service is especially dangerous and hazardous to the workmen therein, because of risks and hazards which are inherent in such occupations and which are unavoidable by the workmen therein.

PAR. 3156. *List of hazardous occupations.*—The occupations hereby declared and determined to be hazardous within the meaning of this chapter are as follows:

(1). The operation of steam railroads, electrical railroads, street railroads, by locomotives, engines, trains, motors, or cars of any kind propelled by steam, electricity, cable or other mechanical power, including the construction, use or repair of machinery, plants, tracks, switches, bridges, roadbeds, upon, over and by which such railway business is operated.

(2). All work when making, using or necessitating dangerous proximity to gunpowder, blasting powder, dynamite, compressed air, or any other explosive.

(3). The erection or demolition of any bridge, building, or structure in which there is, or in which the plans and specifications require, iron or steel framework.

(4). The operation of all elevators, elevating machines or derricks or hoisting apparatus used within or on the outside of any bridge, building or other structure for conveying materials in connection with the erection or demolition of such bridge, building or structure.

(5). All work on ladders or scaffolds of any kind elevated twenty feet or more above the ground or floor beneath in the erection, construction, repair, painting or alteration of any building, bridge, structure or other work in which the same are used.

(6). All work of construction, operation, alteration or repair where wires, cables, switchboards, or other apparatus or machinery are in use charged with electrical current.

(7). All work in the construction, alteration, or repair of pole lines for telegraph, telephone, or other purposes.

(8). All work in or about quarries, open pits, open cuts, mines, ore reduction works and smelters.

(9). All work in the construction and repair of tunnels, subways and viaducts.

(10). All work in mills, shops, works, yards, plants and factories where steam, electricity, or any other mechanical power is used to operate machinery and appliances in and about such premises.

PAR. 3157. *Rules, etc.*—Every employer, whether individual, firm, association, company or corporation, employing workmen in such occupation, of itself or through an agent, shall by rules, regulations, or instructions, inform all employees in such occupations as to the duties and restrictions of their employment, to the end of protecting the safety of employees in such employment.

PAR. 3158. *Employer liable, when.*—When in the course of work in any of the employments or occupations enumerated in the preceding section, personal injury or death by any accident arising out of and in the course of such labor, service and employment, and due to a condition or conditions of such occupation or employment, is caused to or suffered by any workman engaged therein, in all cases in which such injury or death of such employee shall not have been caused by the negligence of the employee killed or injured, then the employer of such employee shall be liable in damages to employee injured, or, in case death ensues, to the personal representative of the deceased for the benefit of the surviving widow or husband and children of such employee; and, if none, then to such employee's parents; and, if none, then to the next of kin dependent upon such employee, and, if none, then to his personal representative, for the benefit of the estate of the deceased.

PAR. 3159. *Contributory negligence and assumed risk.*—In all actions hereafter brought against any such employer under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the question whether the employee may have been guilty of contributory negligence, or has assumed the risk, shall be a question of fact and shall at all times, regardless of the state of the evidence relating thereto, be left to the jury, as provided in section 5 of Article XVIII of the State constitution: *Provided, however,* That in all actions brought against any employer, under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee.

PAR. 3160. *Waivers.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any employer to exempt himself or itself from any liability created by this chapter, shall to that extent be void: *Provided,* That in any action brought against any such employer under or by virtue of any of the provisions of this chapter, such employer may set off therein any sum it has contributed or paid to any insurance, relief, benefit, or indemnity or that it may have paid to the injured employee or his personal representative on account of the injury or death for which said action was brought.

PAR. 3161. *Appeals.*—In all actions for damages brought under the provisions of this chapter, if the plaintiff be successful in obtaining judgment, and if the defendant appeals to a higher court, and if the plaintiff in the lower court be again successful; and the judgment of the lower court is sustained by the higher court or courts; then, and in that event the plaintiff shall have added to the amount of such judgment by such higher court or courts, interest at the rate of twelve per cent per annum on the amount of such judgment from the date of the filing of the suit in the first instance until the full amount of such judgment is paid.

PAR. 3162. *Limitation.*—No action shall be maintained under this chapter unless commenced within two years from the day the cause of action accrued.

PAR. 3162a. *Fee limited.*—In any action brought under this chapter, or in any action brought to recover damages for the death or injury of any em-

ployee under any other law of the State of Arizona, when such death or injury was sustained by such employee in the course of one of the occupations by this chapter declared hazardous, it shall be unlawful for any attorneys at law to receive or contract or agree to receive a fee or compensation for his or their services as such attorney, or attorneys at law, a fee to exceed twenty-five (25) per cent of the amount recovered and collected, exclusive of costs. And any contract or agreement, or device whatsoever, in violation hereof shall be null and void, and any attorney, or attorneys at law violating this section shall forfeit all right to any fee or compensation whatsoever in said action, and shall be deemed guilty of a misdemeanor and shall be subject to disbarment.

Exemption of wages from execution

PARAGRAPH 3302. *Minor child.*—[Subdivision 19 exempts earnings of a minor child of a judgment debtor, if debt was not incurred for special benefit of such child.

Subdivision 20 is the same as par. 1452 above.]

Wages as preferred claims

PARAGRAPH 3677. *Insolvency.*—[Wages of miners, mechanics, salesmen, clerks or laborers, not over $200 each, earned within 60 days of an assignment are to be paid before other creditors.]

PAR. 3678. *Death.*—[Same classes of persons and sums rank next after funeral expenses, expenses of last sickness, charges of administration, and allowances to widow and infant children.]

PAR. 3679. *Execution, etc.*—[Same classes of persons may give notice covering same amounts as above, which will be allowed unless contested by a party in interest. If contested, validity will be decided in summary procedure.]

Mine regulations

PARAGRAPHS 4053–4091. *State inspection; safety, etc.*—[These paragraphs contain provisions applicable to all mines, coal, metalliferous, or other. A State inspector is elected, and first-aid appliances must be furnished, and maps prepared. Other provisions relate to explosives, fire protection, escape shafts, hoists, outlets, ventilation, light, protection against flooding, signals, electric installations, wash rooms, etc. No boy under 18 may be employed underground, as a hoisting engineer. Wash rooms are required if 25 or more men are employed.]

PENAL CODE

Protection of employees as voters

SECTION 44. *Coercion, etc., by employers.*— * * * It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their or his employees the salary or wages due them, to inclose their pay in "pay envelopes," upon which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views or actions of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding house, office or other establishment or place where its, their or his employees may be working or be present in the course of such employment, any handbill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be elected, work in its, their or his place or establishment will cease in whole or in part, or its, their or his establishment be closed, or the wages of its, their or his workmen be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their or his employees. Any person or persons, or corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation so guilty of such misdemeanor shall be punished as prescribed in the next section.

SEC. 45. *Same subject.*—It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence by force,

violence or restraint, or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment or by intimidation or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five thousand dollars.

Railroads—Qualifications of telegraph and telephone operators

SECTION 403. *Eighteen-year age limit.*—No railway company, or corporation operating a line or lines of railway within this State, shall hire, employ, or permit any person to act as a telegraph or telephone operator for the purpose of receiving or transmitting messages, orders, or other instructions, governing or affecting the movement of any train or trains, unless said person shall be at least eighteen years of age and have had not less than one year's experience as a telegraph operator.

SEC. 404. *Violations.*—[Violation entails a fine of not less than $100 nor more than $1,000 for each offense.]

Obtaining labor under false pretenses—Suits for wages

SECTION 524 (as amended 1921, ch. 26). *Fraudulent hiring.*—Any person, persons, partnership, association, company, or corporation (his or its officers, directors or agents), who or which shall employ upon wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall not have sufficient assets within the county in which such work or labor is to be performed, over and above all exemptions allowed by law, to cover the amount of wages accruing to said employee or employees for the term of two weeks, and who shall make any false representations or pretenses as to having such assets, or who, after labor has been done under such employment by said employee or employees, shall fail, upon the discharge or resignation of such employee or employees, or for a period of five days after such wages are legally payable, to pay said employee or employees on demand, in the manner prescribed by law, the wages due such employee or employees for such labor, shall be deemed guilty of obtaining labor under false pretenses, and upon conviction thereof shall be punished by imprisonment in the State penitentiary for a period not to exceed one year, or by a fine not exceeding three times the amount of wages so due; and upon prosecution therefor, and conviction thereof, in the same proceeding, civil judgment shall be rendered in favor of such employee or employees, and against such person, persons, partnership, association, company or corporation (his or its officers, directors or agents), for all such wages that may be unpaid, together with a reasonable attorney's fee to be fixed by the court, and which said judgment shall also include compensation to such employee or employees at the same rate at which such wages were agreed to be paid, from the time same became due until said judgment be satisfied, and said judgment shall be and constitute a first and prior lien against the property of such employer upon which said work and labor was done and performed.

Payment of wages

SECTION 704. *Semimonthly pay days.*—The State of Arizona, every department and institution of the State, every county and municipal corporation within the State, every contractor (whether individual, firm, partnership, association or corporation) employed under contract by the State, or by any of said departments, institutions, counties, or municipal corporations, and every company or corporation doing business in the State, shall designate regular days not more than sixteen days apart as days fixed for the payment of wages to the employees thereof, and shall post and maintain notices, printed or written, in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days," and the State, and every such department, institution, corporation or individual, shall pay on each of said days to its or his employees in lawful money of the United States, or in negotiable bank checks, payable on demand, of the date of said day, all wages due said em-

ployees up to such pay day, except that said State, department, institution, corporation, or individual may withhold wages for not more than five days' labor due any employee remaining in the service thereof.

SEC. 705. *Discharged employees.*—Whenever an employee quits the service or is discharged therefrom, such employee shall be paid whatever wages are due him, in lawful money of the United States of America, or by check of even date, on a bank, and said wages shall be paid at once.

SEC. 706. *Violations.*—[Violation of the two preceding sections, except by municipal corporations, is punishable by fine of not less than $50 nor more than $500.]

The provisions of sections 705 and 706 are constitutional. Arizona Power Co. *v.* State, 166 Pac. 275.

SEC. 707. *Payment in lawful money.*—Every employer within this State, whether the State, a subdivision of the State, corporation, company, association, firm, or individual, shall pay any wages or compensation due any employee thereof in lawful money of the United States or negotiable bank check payable on demand, and dated not later than the day upon which said check is given, said check to be drawn upon some bank or banker located and carrying on business in this State, and not otherwise.

SEC. 708. *Penalty.*—Any person, firm, association, or corporation paying wages or compensation in any manner other than as provided in the preceding section shall be guilty of a misdemeanor.

SEC. 709. *Scrip, etc., to be redeemable in money.*—It shall be unlawful for any person, firm, company, or corporation, owning or operating any mines, smelters, mills, or manufactory, or transacting any kind of general mercantile business, in the State of Arizona, or any railroad company operating in the State of Arizona, to sell, give, deliver, or in any manner issue directly or indirectly, to any person employed by him, in payment of wages due for labor, or as advances on wages of labor not due, any scrip, check, draft, ticket, punch out, due bill, store order or evidence of indebtedness payable, or redeemable otherwise than in their face value in money; and any such person, acting member or agent of any firm, acting agent or officer of any company or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not over five hundred dollars or be imprisoned in the county jail not more than six months nor less than one month.

SEC. 710. *Coercion in trade.*—Whoever compels, or in any manner seeks to compel or coerce any employee or any person, firm, company or corporation, to purchase goods or supplies from any particular person, firm, company, or corporation shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than five hundred dollars or be imprisoned in the county jail not more than six months.

Protection of employees in exercise of civil rights

SECTION 711. *Intimidation.*—It shall be unlawful for any person to induce or compel, or attempt to induce or compel, by menace or threat, either directly or indirectly, any other person to sign or subscribe, or to refrain from signing or subscribing his name to any initiative, referendum, or recall petition, or petition to any officer or official body, or, after signing or subscribing his name, to have his name taken therefrom. Any direct or indirect menace or threat that any person will or may be injured in his business or discharged from any lawful employment in which he is engaged, or will not or shall not be employed in any lawful vocation or labor, shall be deemed a violation of this act.

SEC. 712. *Penalty.*—[Violation shall be punished by a fine of not more than $1,000, or by imprisonment for not more than six months, or both.]

Hours of labor in mines, smelters, etc.

SECTION 713. *Classes of employment.*—The period of employment for all persons who are employed, occupied or engaged, in work or labor, of any kind or nature, in underground mines or underground workings, open cut workings or open pit workings, in search for or in the extraction of, minerals, whether base or precious, or who are engaged in such underground mines, underground workings, open cut workings, or open pit workings for other purposes, or who are employed, engaged or occupied, in other underground workings of any

kind or nature, open cut workings or open pit workings, for the purpose of tunneling, making excavations, or to accomplish any other purpose or design, or who are employed, engaged, or who work, in or about, or in connection with, the operation of smelters, reduction works, stamp mills, concentrating mills, chlorinating processes, cyanide processes, cement works, rolling mills, rod mills, and at coke ovens and blast furnaces, shall not exceed eight hours within any twenty-four hours, and the said eight hours shall include the time employed, occupied or consumed, in descending to and ascending from the point or place of work in any underground mine or underground workings, or the time employed, occupied or consumed in leaving the surface of any tunnel, open cut, or open pit workings, for the point or place of work therein, and in returning thereto from said point or place of work, and that it is the intent and purpose of this act that the period of time between leaving the surface of underground mines, underground workings, open cut workings, open pit workings, and tunnels, for the point, or place of work and in returning thereto from said point or place of work, shall not exceed eight hours within any twenty-four hours: *Provided*, That in the case of emergency, where life or property is in imminent danger, the period may be prolonged during the continuance of such emergency: *And provided, further*, That nothing in this act contained shall be deemed to prevent a change in the hours of employment from one part of the day to another at stated periods, nor to prevent the employment of any of the persons mentioned in this section for more than eight hours during the day in which such change is made: *And provided, however*, That such change in the hours of employment shall not occur more than once in any two weeks.

[Violation entails a fine of not less than $250 nor more than $500, or imprisonment for not less than three nor more than six months, or both, each day's violation constituting a separate offense.]

Ventilation of workrooms—Laundries

SECTION 715. *Air space.*—There shall be afforded not less than six hundred cubic feet of air to each worker or occupant of any laundry building or room, and every room shall have at least two windows connecting with the external air and so arranged as to provide a cross current of air.

Employment of women—Hours of labor

SECTION 717. *Eight hours' work.*—No female shall be employed or be permitted to work in any mercantile establishment, confectionery store, bakery, laundry, hotel, restaurant, or telephone or telegraph office or exchange, in this State, more than eight hours during any one day or more than fifty-six hours during any one week: *Provided*, That at least one hour for meals be allowed each female during her working period, but no part of such hour for meals shall be included as a part of the permitted working period: *Provided further*, That the said eight-hour period of work shall be performed within a period of twelve hours, the period of twelve hours during which such labor must be performed not to be applicable to railroad restaurants or eating houses located upon railroad rights of way and operated by or under contract with any railroad company: *And provided further*, That in any such mercantile establishment, confectionery store, or bakery, where females are employed for six days only in any one week, two additional hours (making a total working period of ten hours) may be added to said permitted period of daily labor on one of said six working-days, but in all cases the permitted period of daily labor must be performed within said period of twelve hours: *And provided further*, That the provisions of this section shall not apply to females employed in any such telephone or telegraph office or exchange in which not more than three females are employed or to female nurses.

SEC. 718. *Evidence of violation.*—The employment of any female in any place or establishment defined in the preceding section, at any time other than those of the posted hours of labor, as herein provided for, shall be prima facie evidence of a violation of this act.

SEC. 719. *Schedule to be posted.*—Every employer shall post in a conspicuous place in every room where such females are employed, a printed notice stating the hours of commencing and stopping such work, the time allowed for dinner or other meals, and the maximum number of hours any female employee is permitted to work in any one day.

SEC. 720. *Violation.*—[Violation is punished by fine of not less than $25, or imprisonment for not less than 30 days, or both.]

INITIATED LAWS—1914

Blacklisting

(Page 8, Acts of 1915)

SECTION 1. *Definition.*—A black list is hereby defined and declared to be any understanding or agreement whereby the names of any person or persons, lists of names, descriptions or other means of identification shall be spoken, written, printed or implied for the purpose of being communicated or transmitted between two or more employers of labor, their bosses, foremen, superintendents, managers, officers or other agents, whereby the laborer is prevented or prohibited from engaging in a useful occupation. Any understanding or agreement between employers, their bosses, foremen, superintendents, managers, officers or other agents, whether written or verbal; and it will make no difference whether the employers, their bosses, foremen, superintendents, managers, officers or other agents act individually or for some company, corporation, syndicate, partnership or society; and it will make no difference whether they are employed or acting as agents for one and the same or different companies, corporations, syndicates, partnerships or societies, it shall come within the meaning of this act.

SEC. 2. *Black list forbidden.*—Any employer, boss, superintendent, manager, officer or other agent of any company, corporation, syndicate, partnership or society who shall command or persuade any person to give a photograph, or to fill out any written or printed form, or to make any verbal statements, or any other method or means of identification as to whom his or her former employer was; or any employer, boss, superintendent, manager, officer or other agent who shall discharge any person or persons on account of his or her affiliation with or membership in any corporation, organization or society, or because of former discharge of, or because of any blacklist of, any former employer, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned not less than one (1) year nor more than five (5) years, and shall be liable in damages to any person or persons injured by such violation to the amount of not less than one thousand ($1,000) dollars, to be recovered by civil action.

SEC. 3. *Evidence.*—The violation of any of the provisions of this act shall be taken as prima facie evidence of a black list.

SEC. 4. *Separate offenses.*—Each individual violation of the provisions of this act shall constitute a separate offense; that is, this section shall be taken to mean that any individual, company, corporation, syndicate, partnership or society who shall blacklist more than one person is guilty of a separate and distinct violation of the provisions of this act for each and every person so blacklisted.

ACTS OF 1915

CHAPTER 17.—*Bureau of mines*

SECTIONS 1, 2. *Bureau created, duties.*—[This act creates a bureau of mines under the direction of the board of regents of the University of Arizona, for a variety of technical and scientific purposes, but also to establish and maintain a mine rescue car for service and training in mine rescue work, first aid and general safety.]

ACTS OF 1917

CHAPTER 21.—*Free employment offices—State and Federal cooperation*

SECTION 1. *State board of control.*—The State board of control is hereby authorized and empowered, and it is made a part of the duty of said board of control, to establish and maintain free employment offices in the State of Arizona. Said free employment offices shall be conducted in cooperation with and under the established rules and regulation of the Department of Labor of the United States.

SEC. 2. *Appropriation.*—For the establishment and maintenance of free employment offices in the State of Arizona, as provided by section one of this act, there is hereby annually appropriated the sum of $2,500, or as much thereof as may be necessary. The appropriation made under the provisions of this act shall be set apart by the State treasurer in a separate fund hereby designated The Free Employment Office Fund. All moneys expended out of said fund shall be under the authority and by the direction of the State board of

control. The State auditor is hereby authorized and directed to draw said warrant and the State treasurer is hereby directed to pay said warrant from said fund.

CHAPTER 22.—*Payment of wages due deceased employees*

SECTION 1. *Payment without administration.*—The surviving husband or wife of any deceased person may, without procuring letters of administration, collect from any corporation, copartnership, association, or individual any sum of money which said corporation, copartnership, association, or individual may have owed such deceased person at the time of his or her death for wages earned by such deceased person while in the employ of such corporation, copartnership, association, or individual, provided said sum of money shall not exceed $300.

SEC. 2. *Procedure.*—Any corporation, copartnership, association or individual, upon receiving an affidavit stating that a person previously in the employ of any such corporation, copartnership, association or individual is dead, and that the affiant in such affidavit is the surviving husband or wife of such employee, as the case may be, and that the whole amount that such corporation, copartnership, association or individual owed such deceased person at the time of his or her death, does not exceed the sum of $300, may pay to such affiant any amount of such wages earned by said deceased person if the same does not exceed $300, and the receipt of such affiant shall be sufficient acquittance therefor.

ACTS OF 1918—SPECIAL SESSION

CHAPTER 38 (as amended 1923, ch. 3).—*Employment of women—Minimum wages*

SECTION 1. *$16.00 per week.*—No person, persons, firm or corporation, transacting business within the State of Arizona, shall employ any female in any store, office, shop, restaurant, dining-room, hotel, rooming-house, laundry or manufacturing establishment at a weekly wage of less than sixteen dollars ($16.00) per week; a lesser amount being hereby declared inadequate to supply the necessary cost of living to any such female, to maintain her health, and to provide her with the common necessaries of life.

SEC. 2. *Penalties.*—[Violations are punishable by fine, $50 to $300, or imprisonment, 10 to 60 days, or both, for each separate offense.]

ACTS OF 1919

CHAPTER 113.—*Employment of children—School attendance*

SECTIONS 1–9. *Attendance required.*—[This act requires school attendance to 16 years of age, unless 14 and excused to enter regular employment; also attendance in part-time school.]

CHAPTER 165.—*Regulation of factories, etc.—Wash rooms in smelters and foundries*

SECTION 1. *Where required.*—Suitable and proper bathrooms, wash rooms, and water-closets shall be provided by the owner or operator of any smelter, refinery, or foundry engaged in the treatment or reduction of ores or metals, and all cement works and ore reduction works using oils, cyanide, acids, quicksilver and such water-closets shall be properly screened and ventilated, and shall be kept at all times in a clean, sanitary condition, with not less than one seat for each twenty-five persons, and one seat for each fraction thereof above ten, employed in such establishment. One shower bath shall be provided for every twenty-five men employed in such establishment with adequate additional wash-room facilities, and at all times they shall be kept in a clean and sanitary condition.

SEC. 2. *Dressing room.*—Every such establishment enumerated above shall provide, maintain, and suitably equip a heated change room immediately contiguous to such establishment, which shall at all times be open to employees and shall at all times be kept in a clean and sanitary condition.

SEC. 3. *Enforcement.*—The enforcement of the provisions of this act are declared necessary for the maintenance of the public health, and the superin-

tendent of the State board of health is charged with the enforcement of the provisions herein contained.

SEC. 4. *Violations.*—[Violation of this act is punished by a fine of not less than $50, nor more than $300, or imprisonment for not less than 10 nor more than 60 days, or both.]

ACTS OF 1921

CHAPTER 73.—*Mine regulations—Notice of operation, etc.*

SECTIONS 1, 2. *Notice required.*—[Notice is required to be given to the State mine inspector whenever mining operations of any character are begun on property coming under his jurisdiction; also notice of suspension if six or more workmen have been employed.]

ACTS OF 1923

CHAPTER 10.—*Civil rights of employees—Protection as voters, etc.*

SECTION 1. *Intimidation.*—It shall be unlawful for any corporation, its officers or agents, to make, enforce, or attempt to enforce, any order, rule, or regulation, or adopt any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination or election to, or the holding of political office, or from holding a position as a member of any political committee; or from soliciting or receiving funds for political purposes; or from acting as a chairman or participating in a political convention; or assuming the conduct of any political campaign; or for any corporation, its officers or agents to instigate, encourage, aid or assist, whether by personal service or contributing money or anything of value, any employee in its employ to run for or be elected to any political office; or for any corporation, its officers or agents to pay or contribute anything of value, whether in wages, fees or contributions, to any such employee in its employ while such employee is engaged in the official duties of the office to which such employee is elected; or from casting his ballot or vote as his conscience may command: *Provided*, That nothing in this act shall be construed as prohibiting any employer from suspending the wages or compensation of any employee elected to office when the duties of such employee in such office shall interfere with the duties of such employee to his employer.

SEC. 2. *Penalty.*—Any corporation, its officers or agents, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, if a corporation, by a fine of not less than five hundred dollars, nor more than five thousand dollars; and if an officer or agent of any such corporation, by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not less than six months nor more than two years, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER 77.—*Employment on public works—Citizens to be preferred*

[This is a provision of the general appropriation act of 1923, but has been regularly embodied in similar acts for a number of years.]

SECTION 2. *Preference.*—In all cases where money appropriated under the provisions of this act is or shall be expended for labor, only citizens of the United States or wards of the United States shall be employed and actual bona fide resident citizens of the State shall be given the preference whenever such labor as may be required can be found within this State, and before any labor can be sought outside of this State, either directly or indirectly, the person, contractor, firm or corporation shall file with the State auditor a verified written statement setting out in detail the effort put forth, showing his, their, or its inability to secure labor as is required within this State, and if the auditor is satisfied of such inability, then the auditor may execute a release permitting the bringing into this State such citizens only of the United States as may be needed for such work. Before any money herein appropriated shall be paid out for labor or construction, a verified statement shall be filed with the auditor, showing strict compliance with the provisions of this section. If the provisions of this section are not complied with, it shall be unlawful to pay out any of the moneys herein appropriated; and any contract entered into wherein the provisions of this section have not been complied with shall be void; *Provided*, That nothing herein shall be construed to prevent the working of prisoners by the State.

ARKANSAS

CONSTITUTION

ARTICLE 19.—*Mine regulations, etc.*

SECTION 18. *Laws to be passed.*—The general assembly by suitable enactments shall require such appliances and means to be provided and used as may be necessary to secure as far as possible the lives, health and safety of persons employed in mining and of persons traveling upon railroads and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

DIGEST OF 1921

Wages as preferred claims—In administration

SECTION 97. *Rank.*—[Wages rank with expenses of last sickness, next after the funeral expenses.]

Public service—Safety appliances

SECTION 1611 (as amended 1921, No. 124). *Safety.*—Every person, firm, or corporation engaged in a public service business in this State shall establish and maintain adequate and suitable facilities, safety appliances, or other suitable devices, and shall perform such service in respect thereto as shall be reasonable, safe and sufficient for * * * the safety and comfort of its employees, * * *

Railroads—Height of wires over tracks

SECTION 1762. *Trolley wires.*—[Street railways using electric power must maintain their wires at railroad crossings at a height of not less than 22 feet.]

Wages as preferred claims—In insolvency of corporations

SECTIONS 1798, 1799. *Wages to be paid first.*—[No preferences are allowed in insolvency of corporations other than wages and salaries of laborers and servants. All other debts rank equally after the payment of such wages and salaries.]

Enticement of employees

SECTION 2789. *Enticing workmen.*—If any person shall interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises, before the expiration of the contract without the consent of the employer or landlord, he shall, upon conviction before any justice of the peace or circuit court, be fined not less than twenty-five nor more than one hundred dollars, and in addition shall be liable to such employer or landlord for all advances made by him to said renter or laborer by virtue of his contract, whether verbal or written, with said renter or laborer, and for all damages which he may have sustained by reason thereof.

Tips for employees

SECTION 2849. *Tips to waiters, etc., forbidden.*—It shall be unlawful for any steward, waiter, porter or other employee at any hotel, restaurant, cafe, or eating house in the State of Arkansas to solicit or receive either directly or indirectly, or for any proprietor or manager of any such hotel, restaurant, cafe, or eating house, to permit any such steward, waiter, porter or other employee to receive, either directly or indirectly, from any guest or patron any gift, compensation or honorarium, or gratuity commonly known as a "tip."

SEC. 2850. *Tips to porters, etc., on railroads forbidden.*—It shall be unlawful for any porter or other employee of any sleeping car company or dining car company or corporation or carrier operating any sleeping car or dining car in this State, to receive, either directly or indirectly, any gratuity or compensation commonly known as a "tip," and any sleeping or dining car company or any common carrier or corporation operating a sleeping or dining car in this

State that permits an employee to accept or receive any gratuity or compensation commonly known as a "tip," shall be guilty of a misdemeanor.

SEC. 2851. *Penalty.*—Any person, firm, corporation or common carrier violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars.

Protection of employees as voters

SECTION 3809. *Coercion, etc., by employers.*— * * * No person shall coerce, intimidate or unduly influence any elector to vote for or against the nominee of any political party, or for or against any particular question or candidate, by any threat * * * of discharge from employment, * * *. Any violation of this section shall be deemed a felony, and, on conviction, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years.

Garnishment of wages of railroad employees

SECTION 4907. *Judgment to be recovered before issue of writ.*—Hereafter no garnishment shall be issued by any court in any cause where the sum demanded is two hundred dollars or less and where the property sought to be reached is wages due to a defendant by any railroad corporation, until after judgment shall have been recovered by plaintiff against defendant in the action.

Exemption of wages from garnishment—Unlawful assignments

SECTION 5546. *Amount.*—[All wages for 60 days shall be exempt from garnishment or other seizure, unless, taken with other personal property, the total would exceed the limits of the constitutional exemption ($200 if single, or $500 if married).]

SECS. 5547, 5548. *Sending claims outside the State.*—[Sending claims outside the State or assigning them for collection with the intent of depriving resident debtors of their rights under the exemption laws of the State, when the parties are within the jurisdiction of the courts of the State is a misdemeanor.]

Wages as preferred claims—In insolvency

SECTION 5888. *Amount.*—[Salaries of employees earned within 3 months, and all wages are to be paid first in the distribution of assets by receivers.]

Bureau of labor and statistics

SECTION 6535. *Bureau created.*—A bureau of labor and statistics is hereby created for a period of fifty years, which shall be under the charge and control of a commissioner of labor and statistics.

SEC. 6536. *Commissioner.*—A commissioner of labor and statistics shall be appointed by the governor immediately upon the taking effect of this act, who shall hold office until the first day of February, 1915, and until his successor shall have been appointed and qualified, after which the term of office of each commissioner shall begin on the first day of February of every odd numbered year, and shall continue for two years, and until his successor is appointed and qualified, and all appointments shall be made by the governor of this State. The commissioner may be removed for cause by the governor, record thereof being made in his office, and any vacancy shall be filled in the same manner as the original appointment. The commissioner of labor and statistics shall give bond in the sum of two thousand dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall also take the oath of office prescribed by the constitution. He shall have an office in the capitol building, and, except as hereinafter provided, he shall safely keep and shall deliver to his successor all records, papers, documents, correspondence, and property pertaining to or coming into his hands by virtue of his office.

SEC. 6537. *Duties.*—The commissioner of labor and statistics shall collect, assort, systematize, and present in biennial reports to the governor statistical details relating to all departments of labor in Arkansas, and especially as affecting or bearing upon the commercial, social, educational, and sanitary conditions of the employees and their families, the means of escape from dangers

incident to their employment, the protection of life and health in factories and other places of employment, the labor of children and of women and the number of hours of labor exacted of them, and in general all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing, and productive industries of this State, and of the persons employed therein. Said commissioner shall also, as fully as may be done, collect reliable reports and information from each county, showing the amount and condition of the mechanical and manufacturing interests therein, and all sites offering natural or acquired advantages for the location and operation of any of the different branches of industry, and he shall by correspondence with interested parties in other parts of the United States, or in foreign countries, impart to them such information as may tend to induce the location of manufacuring and producing plants within the State, together with such information as may tend to increase the employment of labor and the products of such employment in Arkansas.

Sec. 6538. *Biennial reports.*—In each biennial report the commissioner shall give a full statement of the business of the bureau, since the last preceding report, and such information as may be of value to the industrial interests and to persons employed therein, showing among other things the number of laborers and mechanics employed and the number of apprentices in each trade, with the nativity of such laborers, mechanics and apprentices, the wages earned, the savings from the same, the age and sex of the persons employed, the number and character of accidents, the sanitary conditions of places where persons are employed, the restrictions put upon apprentices when indentured, the proportion of married employees living in rented houses, with the average rental paid, the value of property owned by such employees, and a statement as to the progress made in schools in operation for the instruction of students in mechanic arts, and what systems have been found most practical, but such reports shall not contain more than six hundred printed pages, and the same shall be printed and distributed in such manner as is or may be provided by law.

Sec. 6539. *Powers.*—The commissioner of the bureau of labor and statistics shall have the power to issue subpœnas, administer oaths, and take testimony in all matters related to the duties herein required of the said bureau, but such testimony must be taken in the vicinity of the residence or office of the person testifying. Any person duly subpœnaed under the provisions of this act who shall willfully neglect or fail to attend or testify at the time and place mentioned in the subpœna shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not to exceed fifty dollars or by imprisonment in the county jail for not to exceed thirty days: *Provided, however*, That no witness shall be compelled to go outside of the county in which he resides in order to testify.

Sec. 6540. *Reports by employers.*—It shall be the duty of every owner, manager, and superintendent of every factory, mill, workshop, business house, public or private work, or any other establishment or place where five or more persons are employed at work, to make to the bureau of labor and statistics, upon blanks to be furnished by such bureau, such reports and returns as said bureau may require for the purpose of securing such labor statistics as are contemplated by this act, and such reports and returns shall be made within not to exceed sixty days from the receipt of the blanks furnished by the commissioner or by the bureau, and the same shall be verified under oath. Any owner, manager, superintendent, or any other person in charge or control of any factory, mill, workshop, store, business house, public or private work, or other establishment or place where five or more persons are employed at work, who shall neglect or refuse to make such reports and returns as are required by the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days.

Sec. 6541. *Information confidential.*—In the reports made by the commissioner of labor and statistics to the governor, the names of individuals, firms, or corporations supplying information under the provisions of this act shall not be disclosed, nor shall the name of any such individual, firm, or corporation be communicated to any person or persons, except such as are employed in the bureau of labor and statistics, and any officer or employee of such bureau violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or by imprisonment in the county jail for not more than ninety days.

SEC. 6542. *Reports to be preserved.*—No report or return made to the said bureau under the provisions of this act, and no schedule, record, or document gathered or returned by its officers or employees, shall be destroyed within two years of the collection or receipt thereof, but at the expiration of two years all such reports, returns, schedules, records, and documents as shall be considered by the commissioner to be of no further value shall be destroyed: *Provided*, That the permission of the governor shall first be obtained for such destruction.

SEC. 6543. *Entering premises.*—Upon the written complaint of two or more persons or upon its failure otherwise to obtain information in accordance with the provisions of this act, the commissioner of labor and statistics shall have the power to enter any factory, mill, workshop, store, business house, public or private work, or other establishment, or place where five or more persons are employed at work, when the same is open or in operation, for the purpose of gathering facts and statistics, such as are contemplated by this act, and for the purpose of examining into the methods of protecting employees from danger and the sanitary conditions in and around such building or place, of all of which the said commissioner shall make and return in to the bureau of labor and statistics a true and detailed record in writing.

SEC. 6544. *Safety laws.*—Said commissioner shall make investigation concerning the operation of the various laws relating to the safety of the life and limb of employees, and he shall take legal steps looking to the proper enforcement and due observance of such laws.

SEC. 6545. *Strikes and lockouts.*—Said commissioner may inquire into the cause of strikes and lockouts and other disagreements between employers and employees; and, whenever practicable, offer his good offices to the contending parties with a view of bringing about friendly and satisfactory adjustment thereof.

SEC. 6546. *Enforcement.*—If the commissioner of labor and statistics shall learn of any violation of the law with respect to the employment of children, or fire escapes, or the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall at once give written notice of the facts to county or district attorney of the county in which the law has been violated, or of some other county, if any there be, having jurisdiction of the offense, and the county or district attorney to whom such notice has been given shall immediately institute the proper proceedings against the guilty persons.

SEC. 6547. *Hindering bureau.*—Any owner, manager, superintendent, or other person in charge or control of any factory, mill, workshop, store, business house, public or private work, or other establishment or place, where five or more persons are employed at work, who shall refuse to allow any officer or employee of the said bureau of labor and statistics to enter the same, or to remain therein for such time as is reasonably necessary, or who shall hinder any such officer or employee, or in any way prevent or deter him from collecting information, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed one hundred dollars or imprisonment [sic] in the county jail for not to exceed sixty days.

SEC. 6548. *Expenses.*—The commissioner shall be allowed all necessary postage, stationery, and other expenses of a similar character necessary to the transaction of the business of the bureau, and the salaries and expenses shall be paid as in the case of other State officers. The commissioner and his deputy shall be allowed for his actual and necessary traveling expenses, while in the performance of his duties under this act, but the total of the expenses of said bureau, outside of the salaries paid, shall not exceed one thousand five hundred dollars per annum.

Enticing workmen

SECTION 6570 (as amended 1923, Spec. Sess., No. 34). *Penalty.*—[This section is identical with sec. 2789 above, except that it is amended, without reference to the earlier section, so as to make the maximum penalty $500 instead of $100.]

Contracts of employment

SECTION 6878. *Contracts made outside of State.*—Contracts made with laborers or employees beyond the limits of this State for labor or services to be performed in this State shall be as binding as if entered into within the State.

SEC. 6879. *Contracts to be in writing, when.*—Contracts for services or labor for a longer period than one year shall not entitle the parties to the benefits of this act, unless in writing signed by the parties, witnessed by two disinterested witnesses, or acknowledged before an officer authorized by law to take acknowledgments.

SEC. 6880. *Acknowledgment.*—Such officer shall state in his certificate that he read the contract aloud in the presence and hearing of the laborers. For taking such acknowledgment and making such certificate, he shall be entitled to twenty-five cents: *Provided*, Not more than three laborers sign one contract; if more than that number, then he shall receive ten cents for each additional laborer who shall sign and acknowledge the same, and five cents per circular mile for traveling to and from the place of acknowledgment. Contracts of married women, executed as above and approved by their husbands shall be binding.

SEC. 6881. *Of minors.*—The contract of a minor, when approved by the parent having control of such minor, or, in case there be no parent, when approved by his guardian, or the contract of any minor over fifteen years of age having neither parent nor guardian shall be binding: *Provided*, A contract with such minor shall not be for a longer period than one year.

SEC. 6885. *Discharge without cause.*—If any employer shall, without good cause, dismiss a laborer prior to the expiration of his contract, unless by agreement, he shall be liable to such laborer for the full amount that would have been due him at the expiration thereof, * * *

SEC. 6886. *Abandonment of contract.*—If any laborer shall, without good cause, abandon his employer before the expiration of his contract, he shall be liable to such employer for the full amount of any account he may owe him, and shall forfeit to his employer all wages or share of crop due him, or which might become due him from his employer.

Railroads—Shelters for repair tracks

SECTION 7075. *Shelters required.*—It shall be unlawful for any railroad company or corporation, or other persons who own, control or operate any lines of railroad in the State of Arkansas, to build, construct or repair railroad equipment, without first erecting and maintaining at every division point a building or shed over the repair tracks, same to be provided with a floor where such construction or repair [work] is permanently done, so as to provide that all men permanently employed in the construction and repair of cars, trucks, and other railroad equipment, shall be under shelter during snows, sleet, rain and other inclement weather.

SEC. 7076. *Penalty.*—Every corporation, person or persons, manager, superintendent or foreman of any company, corporation, person or persons, who shall fail or refuse to comply with the provisions of this act after the 1st day of November, 1905, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars ($25) nor more than one hundred dollars ($100); and each and every day that said railroad company, corporation, person or persons, manager, foreman or agent of any such railroad company, corporation, person or persons, shall refuse or fail to comply with the provisions of this act, shall constitute a separate and distinct violation thereof.

This act is constitutional. 112 S. W. 150.

Hours of labor in saw and planing mills

SECTION 7082. *Ten hours a day's work.*—Ten hours shall constitute a legal day's work for all classes of workingmen and laborers, designated in the following section.

SEC. 7083. *Application of law.*—This act shall apply to all associations of persons, companies, or corporations, engaged in the business of operating or constructing saw and planing mills in this State, and to all workingmen and laborers now, or hereafter to be employed by any such association, company, or corporation, in any department relating to the running and management of said mills.

SEC. 7084. *Violations.*—[Violation by exacting longer hours or discharging an employee by reason of refusal to work longer hours is punishable by a fine of not less than $25 nor more than $200. Each day's violation is considered a separate offense. Employer and employee may contract for a less number of hours.]

Employment of children—General provisions

SECTION 7085. *Age limit.*—[Employment in any remunerative occupation is forbidden to children under 14, except during vacation, in occupations owned or controlled by their parents or guardians.]

SEC. 7086. *Employments forbidden.*—[Children under 16 may not be employed in occupations dangerous to life or limb, health or morals, or in theatrical or other exhibitions.]

SECS. 7087, 7089. *Dangerous occupations.*—[The employment of children under 16 is forbidden in designated dangerous occupations. (For a similar list see secs. 3145, 3148, Delaware Code.)

The State board of health may, after hearing, declare other occupations dangerous, and within such prohibitions, subject to an appeal to court.]

SEC. 7090. *Hours; children under 16.*—[Children under 16 may not work more than 8 hours per day, nor more than 6 days or 48 hours per week, nor between 7 p. m. and 6 a. m.]

SEC. 7091. *Same; minors under 18.*—[Minors under 18 may not be employed more than 10 hours per day, nor more than 6 days or 54 hours per week, nor between 10 p. m. and 6 a. m.]

SECS. 7092–7095. *Certificates.*—[Certificates issued by the school authorities are required for the employment of children under 16; no one may issue such certificate for employment by himself. Rules of evidence as to age may be laid down by the issuing authorities.]

SECS. 7096, 7097. *Enforcement.*—[The commissioner of labor and statistics, factory inspectors, truant officers, probation officers, agents of the humane society, and other authorized inspectors may visit places where children are employed to ascertain and report as to compliance with the law; it is also their duty to make complaints of violations and prosecute violators in the courts.]

SEC. 7099. *Violations.*—[Penalties of not less than $5 nor more than $500 are incurred by parents, custodians, or employers violating the law.]

Employment of women—General provisions

SECTION 7100. *Seats to be provided.*—In every manufacturing, mechanical, mercantile and other establishment in this State where girls or women are employed, there shall be provided and conveniently located seats sufficient to comfortably seat such girls or women, and during such times as such girls or women are not necessarily required by their duties to be upon their feet they shall be allowed to occupy the seats provided.

SEC. 7101. *Violations.*—[Violation entails a penalty of not less than $10 nor more than $50, each day's neglect constituting a separate offense.]

SEC. 7102. *Hours of labor.*—No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, or by any express or transportation company, in this State for more than nine hours in any one day, or more than six days, or more than fifty-four hours in any one week: *Provided, however,* That the present law governing the employment of children under 16 years of age shall not be repealed by this act.

SEC. 7103. *Night work.*—No female under 18 years of age shall be employed or permitted to work in, or in connection with, any of the establishments or occupations named in section 7102 before the hour of 7 o'clock in the morning, or after the hour of 9 o'clock in the evening of any one day.

SEC. 7104. *Time for meals.*—No female shall be employed or permitted to work more than six hours continuously at any one time in any establishment or occupation named in section 7102, in which three or more females are employed, without an interval of at least three-quarters of an hour, except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past 1 o'clock in the afternoon, and if she is then dismissed for the remainder of the day. The time allowed for noon luncheon shall not be less than three-quarters of an hour.

SEC. 7105. *Schedule to be posted.*—Every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 7102 in which females are employed, a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and ending, the recess allowed for meals. The printed form of such notice shall be furnished upon application, by the

commissioner of labor and statistics. The employment of any such female for longer time in any one day than that stated in a printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the commissioner of labor and statistics may issue a permit dispensing with the posting of the hours when the recess for meals begins and ends, and requiring the posting of only the total number of hours that females are required or permitted to work on each day of the week and the hours of beginning and stopping such work; such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

SEC. 7106. *Records.*—Every employer shall keep a time book or record of every female employed in any establishment or occupation named in section 7102 stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and ending such work and the hours of beginning and ending the recess allowed for meals. Such time books or records shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statements therein, or refuses to exhibit such time book or record, or makes a false statement to any official authorized to enforce this act in reply to any question put in carrying out the provisions of this act, shall be liable for violation thereof.

SEC. 7107. *Enforcement.*—The commissioner of labor and statistics, or any person duly authorized by him, may, in the discharge of their duties, enter any establishment or occupation where females are employed mentioned in section 7102 as often as practicable during reasonable hours and shall cause the provisions of this act to be enforced therein, and have full police power in enforcing compliance therewith.

SEC. 7108. *Minimum wage rate.*—It shall be unlawful for any employer of labor mentioned in section 7102 to pay any female worker in any establishment or occupation less than the wage specified in this section, to wit, except as hereinafter provided: All female workers who have had six months' practicable [practical] experience in any line of industry or labor shall be paid not less than $1.25 per day. The minimum wage for inexperienced female workers who have not had six months' experience in any line of industry or labor shall be paid not less than $1.00 per day: *Provided*, That any inexperienced female workers or apprentices shall be given a certificate by their employers showing the amount of experience they have had, and all time served as inexperienced workers or apprentices shall be cumulative. All female workers working less than nine hours per day shall receive the same wages per hour as those working nine hours per day.

SEC. 7109 (as amended 1921, No. 140). *Variations.*—Whenever it can be shown beyond question of doubt that it would work irreparable injury to any industry engaged in handling products, such as canning factories and candy factories, to comply with the provisions of the act, regarding hours, a commission to be known as the "Industrial Welfare Commission," hereinafter provided for, consisting of the commissioner of labor and statistics as ex officio chairman and two men and two women, may by majority vote, after hearing duly held in which all interested parties may have an opportunity to be heard, permit such industry to operate more than nine hours per day: *Provided*, That women so employed are paid at the rate of time and one-half for each hour worked in excess of nine hours in any one day: *Provided, further*, That said period in which overtime may be worked shall not exceed ninety days in any one year: *Provided, further*, That said industrial welfare commission shall consist of one woman and one man representative of employers, and one woman and one man representative of employees. One woman and one man member of the commission shall be appointed by the governor and one woman and one man member of the commission shall be appointed by the commissioner of labor and statistics. All members to serve without salary and shall hold office for terms of two years each or until their successors are appointed and qualify.

SEC. 7110 (as amended 1921, No. 140). *Piecework.*—All females employed in any industry in this State, who are paid upon a piecework basis, bonus system, or any other manner than by the day, shall be paid not less than the rate per day herein specified for female employees who are working on the day rate system, and the industrial welfare commission shall investigate, upon complaint, any line of industry wherein females are employed, and if in their

judgment said system of piecework is working an injury to the general health of the employees, they may, after hearing duly held, issue an order compelling said firm to abolish piecework or any other injurious system, and establish a daily rate of wages for all female employees, said rate not to be less than the rate specified in section 7108.

SEC. 7111. *Findings of commission.*—If said commission should find, after an investigation, that a lower minimum rate of wages is adequate to supply a woman or minor female worker engaged in any occupation, trade, or industry the necessary cost of proper living and to maintain the health and welfare of such woman, or minor female workers, [they] may, after a public hearing duly held, at which time all interested employers and employees are given a reasonable opportunity to present their arguments, issue an order establishing a minimum wage rate that in their judgment is reasonable, and said rate so established shall be the legal minimum wage in the industry or occupation affected, and should said commission find, after said investigation, that the minimum wage specified in section 7108 is insufficient to adequately supply a woman or minor female worker engaged in any occupation, trade, or industry, the necessary cost of proper living and to maintain the health and welfare of such woman or other female worker, [they] may, after public hearing duly held, at which time all interested parties are given a reasonable opportunity to present their argument, issue an order establishing a higher minimum wage for female workers that in the judgment of the commission is reasonable, and said minimum wage rate so established by said commission shall be the legal minimum wage in the industry or occupation affected.

SEC. 7112. *Hotels, restaurants, etc.*—Said commission, after a public hearing duly held, at which all interested persons are given an opportunity to present arguments, may establish regulations governing the employment of females in hotels and restaurants: *Provided,* Said rules and regulations shall not permit female workers to be employed in excess of nine hours in any one day, nor at a lower rate of wages than will supply said female employees the cost of proper living, and safeguard their health and welfare. The rate of wages established by the commission shall not be greater than the rate of wages specified in section 7108.

SEC. 7113. *Violations.*—[Failure to comply with the provisions of this act or the violation thereof entails a fine of not less than $25 nor more than $100, each day of noncompliance constituting a separate offense.]

SEC. 7114. *Industries not affected.*—Should any section or sections of this act be held invalid by the court, it shall not thereby be understood as affecting, and shall not affect, the other provisions of this act: *Provided,* This act shall not apply to cotton factories, or to the gathering of fruits or farm products in Arkansas.

Railroads—Hospitals for employees

SECTION 7115. *Hospitals to be maintained within State.*—Every railroad company or corporation operating railroads in this State who have heretofore collected or received hospital fees from their employees or who may hereafter collect or receive such hospital fees from such employees, shall provide hospital facilities in this State of such capacity and equipment as will be sufficient for the care, needs, and accommodation of their sick or injured employees who are residents of this State. Any such employees injured while in the service of any such railroad shall not be taken or sent out of the State for treatment. [Violation entails a fine of not less than $100 nor more than $500, each day constituting a separate offense.]

Employment of women—Toilet and lunch rooms

SECTION 7116. *Separate provisions.*—[Separate toilet and wash rooms for men and women shall be provided in establishments where six or more men and women are employed. Where practicable, lunch rooms shall be provided for women employees; and where impracticable, woman workers shall be allowed one hour for lunch and may leave the establishment during such hour.]

SECS. 7117, 7118. *Enforcement; penalty.*—[Enforcement rests with the commissioner of labor, whose orders must be complied with within 30 days. Violations are punishable by a fine of not less than $10 nor more than $100, each day constituting a separate offense.]

Bonds of railroad employees

SECTIONS 7121–7123. *Freedom of choice; nonresident bondsmen.*—[Employees of common carriers required to give bond may not be required to apply to any particular person, etc., and any bond may be rejected only for financial insufficiency. Nonresident bondsmen may be accepted only when they have a designated agent in the State.

Bonds must be for fixed terms, and may not be canceled without the consent of all parties, except for breach of conditions of which notice must be given.]

Payment of wages—Discharged employees—Scrip

SECTION 7125 (as amended 1905, No. 210). *Railroad employees.*—Whenever any railroad company or corporation or any receiver operating any railroad engaged in the business of operating or constructing any railroad or railroad bridge, shall discharge with or without cause or refuse to further employ any servant or employee thereof, the unpaid wages of any such servant or employee then earned at the contract rate, without abatement or deduction, shall be and become due and payable on the day of such discharge or refusal to longer employ; any such servant or employee may request of his foreman or the keeper of his time to have the money due him, or a valid check therefor, sent to any station where a regular agent is kept, and if the money aforesaid, or a valid check therefor, does not reach such station within seven days from the date it is so requested, then as a penalty for such nonpayment the wages of such servant or employee shall continue from the date of the discharge or refusal to further employ, at the same rate until paid: *Provided*, Such wages shall not continue more than sixty days, unless an action therefor shall be commenced within that time: *Provided further*, That this act shall apply to all companies and corporations doing business in this State, and to all servants and employees thereof, and any such servants or employees who shall hereafter be discharged or refused further employment may request or demand the payment of any wages due, and if not paid within seven days from such discharge or refusal to longer employ, then the penalties hereinbefore provided for railway employees shall attach.

SEC. 7126. *Benefits not available, when.*—No such servant or employees who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment.

SEC. 7127. *Action for wrongful discharge.*—Any such servant or employee whose employment is for a definite period of time, and who is discharged without cause before the expiration of such time, may, in addition to the penalties prescribed by this act, have an action against any such employer for any damages he may have sustained by reason of such wrongful discharge, and such action may be joined with an action for unpaid wages and penalty.

This act is, as to natural persons, an invasion of their constitutional rights, but is valid exercise of the power of the State with reference to corporations. "Without abatement or discount" means without discount on account of payment before due under the contract, but does not forbid offsets for damages sustained by an employee's failure to perform his contract. 58 Ark. 407.

The act is constitutional. 15 Sup. Ct. 1042.

The penalty does not attach until the company has ascertained, or by reasonable diligence could ascertain, the amount actually due. 65 S. W. 429.

The plaintiff must show strict and actual compliance with the requirements as to notice and demand, as in actions under statutes of this class nothing will be taken by intendment. 114 S. W. 240.

SECS. 7128–7130. *Payment in scrip, etc.*—[The payment of wages in scrip, by tokens, draft, etc., payable or redeemable otherwise than in lawful money at the next regular pay day is forbidden; so also to coerce or to attempt to coerce employees to purchase goods or supplies in payment of wages from any corporation, company, firm, or person; or directly or indirectly to sell to employees in payment of wages any goods or supplies at prices higher than a reasonable or current market value for cash. These provisions "do not apply to coal mines when less than twenty men are employed under the ground."[1]]

[1] This final provision appeared in earlier acts, and was said by the supreme court of the State to "make an unlawful discrimination," and the acts were declared unconstitutional (Union Sawmill Co. v. Felsenthal (1908), 84 Ark. 494, 108 S. W. 217). The above section would seem to be void for the same reason. An act of 1901 (No. 101) requires the redemption of scrip at face value, and its acceptance as cash in any commissary of the company issuing the same, and was said by the court to be "if valid, in full force"; i. e., it had not been repealed by the later acts found unconstitutional.

SEC. 7131. *Semimonthly pay day.*—All corporations doing business in this State who shall employ any salesmen, mechanics, laborers or other servants for the transaction of their business shall pay the wages of such employees semimonthly.

SEC. 7132. *Violations.*—[Violation of section 7131 is punishable by not less than $50 nor more than $500 fine.]

This statute is constitutional. Contracts waiving its provisions are void. 125 S. W. 1001.

Assignments of wages

SECTION 7133. *Employer to accept.*—No assignment or order for wages to be earned in the future to secure a loan of less than two hundred dollars, shall be valid against any employer of the person making any such assignment or order, until said assignment or order is accepted in writing by the employer and said assignment or order and the acceptance of same has been filed with the recorder of the county where the party making the assignment or order resides, if a resident of the State where he is employed.

SEC. 7134. *Wife's consent.*—No assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to making such assignment or order for wages shall be attached thereto.

Blacklisting—False reports

SECTION 7135. *Blacklisting forbidden.*—Every person who shall, in this State, send or deliver, or shall make or cause to be made for the purpose of being delivered or sent, or shall part with the possession of any paper, letter, or writing, with or without a name signed thereto, or sign with a fictitious name, or with any letter, mark or other designation, or shall publish or cause to be published any false statement for the purpose of preventing such other person from obtaining employment in this State or elsewhere, and every person who shall "blacklist" any person or persons, by writing, printing, publishing, or causing the same to be done, the name or any mark or designation representing the name of any person in any paper, pamphlet, circular, or book, together with any false statement concerning said person so named, or shall publish that any one is a member of any secret organization, for the purpose of preventing such other person from securing employment, or any person who shall do any of these things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation or individuals, shall on conviction, be adjudged guilty of a misdemeanor and be fined in the sum of not less than one hundred dollars, nor more than five hundred dollars, or imprisonment in the county jail for twelve months, or both such fine and imprisonment.

SEC. 7136. *False charges as to collection of transportation money.*—Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely and without probable cause, report to any railroad or any other company or corporation, or to any individual or individuals, or to any of the officers, servants, agents or employees of any such corporation, individual or individuals, that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, have received any money for the transportation of persons or property, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employees of any such railroad company, corporation, individual or individuals, neglected, failed or refused to collect any money for transportation of persons or property when it was their duty so to do, shall, on conviction, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars.

Liability of employers for injuries to employees

SECTION 7137. *Injury caused by negligence.*—All railroad companies operating within this State, whether incorporated or not, and all corporations of every kind and character, and every company whether incorporated or not, engaging in the mining of coal, who may employ agents, servants or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such

agent, employee or servant, resulting from the careless omission of duty or negligence of such employer, or which may result from the carelessness, omission of duty or negligence of any other agent, servant or employee of the said employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

This act is constitutional. 113 S. W. 796. It applies to all corporations, 123 S. W. 759; but not to partnerships generally. 129 S. W. 532.
The employee assumes the risks of the negligence of a fellow-servant only in so far and subject to the same principles of proof as if it were the negligence of the employer. 119 S. W. 1123.

SEC. 7138. *Acts of fellow servants.*—Every common carrier by railroad in this State shall be liable for all damages to any person suffering injury while he is employed by such carrier, or, in case of the death of such employee, to his or her personal or legal representative, for the benefit of the surviving widow or husband and children or such employee; if none, then to such employee's parents; if none, then to the next of kin of such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any insufficiency of clearance of obstructions, of strength of roadbed and tracks or structures, or machinery and equipment, of lights and signals in switching and terminal yards, or rules and regulations and of number of employees to perform the particular duties with safety to themselves and their coemployees, or of any other insufficiency; or by reason of any defect, which defect is due to its negligence in its cars, engines, motors, appliances, machinery, track, roadbed, boats, works, wharves or other equipment.

SEC. 7139. *Employer's knowledge assumed.*—If the employee of any such common carrier shall receive any injury or shall be killed by reason of any defect in any car or cars, engines, motors, appliances, machinery, track, roadbed, works, wharves, or other equipment owned, operated or used by such common carrier, such common carrier shall be deemed to have had knowledge of such defect before and at the time such injury is sustained or death caused, and when the fact of such defect shall be made to appear in the trial of any action in the courts of this State brought by such employee or his or her personal or legal representative against any such common carrier for damages on account of such injuries so received or death so caused, the same shall be prima facie evidence of negligence on the part of such common carrier.

SEC. 7140. *Comparative negligence.*—In all rights of action hereafter arising within or by virtue of this act or any provision of the same for personal injury to an employee, or where such injury has resulted in his death, the fact that an employee may have been guilty of contributory negligence shall not bar a recovery: *Provided*, That the negligence of such employee was of a lesser degree than the negligence of such common carrier, its officers, agents or employees: *Provided, further*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier, its officials, agents or employees, of any law enacted for the safety of employees or persons contributed to the injury or death of such employee, and such employee shall not be held to have assumed the risk of his employment in any action arising out of any of the provisions of this act.

SEC. 7141. *Definition.*—The words "common carrier by railroad," or "common carrier" as used in this act, shall be taken to embrace any company, association, corporation, or person, managing, maintaining, operating, or in possession of a common carrier operating upon rails or tracks in whole or in part within this State, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

SEC. 7142. *Waivers.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries, to, or death of such employees: *Provided, however*, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or in case of death, to his personal or legal representative.

SEC. 7143. *Construction of statute.*—Nothing in this act shall be held to limit the duty of common carriers by railroad, or impair the rights of their employees in the existing laws of the State.

SEC. 7144. *Liability for negligence.*—Every corporation, except while engaged in interstate commerce, shall be liable in damages to any person suffering injury while he is employed by such corporation, or, in case of death of such employee, to his or her personal representative for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin of such employee, for such injury or death resulting in whole or in part from the negligence [of such corporation or from the negligence] of any of the officers, agents or employees of such corporation.

SEC. 7145. *Comparative negligence.*—In all actions hereafter brought against any such corporation under or by virtue of any of the provisions of this act to recover damages for personal injuries [to an employee, or where such injuries] have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury (and not by the court) in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 7146. *Risk not assumed, when.*—In any action against any corporation under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 7147. *Contracts of exemption void.*—Any contract, rule, regulation or device whatsoever the purpose or intent of which shall be to enable any such corporation to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such corporation under or by virtue of any of the provisions of this act, such corporation may set off therein any sum it has contributed or paid to any insurance relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 7149. *Definition.*—The word "corporation" as used in this act shall include the receiver or receivers or other persons charged with the duty of the management and operation of the business of such corporation.

SEC. 7150. *Survival of action.*—Any right of action given by this act to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents, and, if none, then of the next of kin of such employee, but in such cases there shall be only one recovery for the same injury: *Provided*, This act shall not apply to railroad corporation and shall not amend nor repeal any part of sections 7138 to 7143.

Mine regulations

SECTION 7249 (as amended 1923, No. 120). *Inspector.*—[The governor appoints an inspector for a term of two years, "and until his successor shall have been appointed and qualified." He must have had 8 years' experience as a practical miner, and not be connected with any mining interest. His salary is $3,000 per year.]

SEC. 7250. *Bond.*—[A bond of $5,000 is required, conditioned on the faithful performance of his duties.]

SEC. 7251 (as amended 1923, No. 120). *Expenses.*—[A stenographer to act as clerk may be employed at $1,200; other office expenses $450, and traveling expenses up to $1.200 per annum are allowed.]

SECS. 7252–7259. *Inspection, etc.*—[The inspector must give all his time to his duties, examining all mines as often as necessary, at least every three months; machinery, ventilation, drainage, the number of accidents, compliance with the laws, etc., are to be investigated and reported on annually to the governor. Orders may issue for the prompt correction of unsafe or dangerous conditions, and courts may, on complaint, enjoin operations until compliance. Inspectors may also make arrests of violators. Penalties lie for obstructing inspection, and for the failure of inspectors to perform their duties. The above provisions do not apply to mines in which less than 10 men are employed underground in 24 hours.]

SEC. 7260 (as amended 1921, No. 100)–7286. *Provisions for safety; weighing coal; child labor.*—[Maps are required, to be filed annually with the clerk of the county court and with the State mine inspector. Escape shafts, ventilation, bore-holes, signaling, the safe construction and operation of cages, the supply of prop timbers, the use of illuminating oils and methods of working are regulated.

No boy under 14 and no female may be employed in a mine, nor a boy under 16 if unable to read and write. Engines hoisting workmen must be in charge of experienced engineers, at least 18 years of age.

Reports and investigation of accidents are provided for, and emergency supplies must be kept at mines working 10 or more men underground. In times of high water endangering safety, the miners must be called out. Where a fire boss is employed, inspections must be made daily.

The weighing of coal before screening is required unless otherwise arranged. Weighmen and checkweighmen are provided for the testing of weights, etc.]

SECS. 7287–7292. *Wash houses.*—[Wash houses are to be furnished at mines employing 10 or more persons, properly equipped and maintained, with separate provisons for whites and blacks. Employees are responsible for their own towels, soap, and locks for lockers or hangers.]

SECS. 7317–7325. *Examining board.*—[A State board, appointed by the governor, examines applicants for employment as fire bosses, hoisting engineers, mine foremen, mine inspectors and assistant inspectors. Requirements relate to age, citizenship, experience, and technical training. Fees vary from $3 to $10 for the different examinations and certificates. Revocation for cause is provided for, and penalties for forgery, or for violations of the law.]

Payment of wages—Discounting

SECTION 7356. *Discounts restricted.*—It shall be unlawful for any milling or manufacturing company, or any other person, corporation or company employing persons to labor for them in the State of Arkansas, to discount the wages of their employees or laborers when payment is made or demanded before the regular pay days, more than at the rate of ten per cent per annum from the date of payment to the regular pay day, and all laborers shall be paid in currency at the place of business of the company, person or corporation so employing such labor in the State; unless the laborer elects to take drafts or checks in lieu of currency for pay. Any evasion or violation of this section shall be usury and a misdemeanor, and the person, company or corporation, or their agents, violating the same shall be fined in any sum not less than ten dollars nor more than five hundred dollars, and the entire property of the person, company or corporation shall be subject to the payment of the fine and costs.

Railroads—Rolling stock to be repaired within the State

SECTION 8505. *Scope of law.*—All railroad corporations operating within the State of Arkansas, and having their repair shops within the State, shall, and are hereby required to repair, renovate or build in the State of Arkansas, any and all defective or broken cars, coaches, locomotives or other equipment owned or leased by said corporation in the State of Arkansas, when such rolling stock is within the State of Arkansas: *Provided*, That such railway shall have or be under obligation to have proper facilities in the State to do such work: *And provided*, This act shall not be so construed as to require any railway corporation to violate the safety appliance law of Congress of the United States: *And, provided, further*, That no railway shall be required to haul such disabled equipment a greater distance for repairs at a point within the State of Arkansas than would be necessary to reach their repair shop in another State: *And, provided, further*, That no such railway company shall be permitted to haul for purposes of repair any disabled equipment by or pass [past] any shop owned or operated by any such company where such said disabled equipment can be repaired, in order to reach some other repair shop at a greater distance for the purpose of repairing said disabled equipment: *Provided*, That the provisions of this act shall not apply to companies having less than sixty continuous miles of railroad in operation in this State.

SEC. 8506. *Cars, etc., not to be sent out of State.*—All railroad corporations operating in the State of Arkansas and having their repair shops within the State, shall be prohibited from sending or removing any of their cars, coaches, locomotives or other equipment out of the State of Arkansas, to be repaired,

renovated or rebuilt, when the same is in a defective or broken condition and within this State. The provisions of this act shall not apply in cases of fires, floods, cyclones, or any such act of Providence.

SEC. 8507. *Violations.*—[Penalties are a fine of not less than $100 nor more than $500.]

State labor officials—Salaries

SECTION 8696. *Labor commissioner.*—The labor commissioner shall receive a salary of two thousand dollars per annum payable monthly.

SEC. 8697. *Deputy.*—He shall appoint a deputy at a salary of one hundred dollars per month.

SEC. 8701. *Mine inspector.*—The inspector of mines shall receive a salary of two thousand dollars per annum.

SEC. 8721. *Steam boiler inspector.*—The inspector of steam boilers shall receive an annual salary of $2,000.

Employment of children—School attendance

SECTIONS 9042–9044. *Attendance required.*—[Children under 15 years of age must attend school at least three-fourths of the term unless, among other reasons, their services are needed to support a widowed mother.]

ACTS OF 1923—SPECIAL SESSION

ACT No. 4.—*Employment offices*

SECTIONS 1, 2. *License; fee.*—[Proprietors of private employment offices and persons soliciting labor to go outside the State must obtain a license from the commissioner of labor. A fee of $200 is charged, and bond in the sum of $1,000 required. The commissioner or any district attorney may bring action on the bond, and the commissioner may, after hearing, revoke the license for cause. Employers hiring for themselves alone, and agencies charging no fee are not required to obtain a license.]

SEC. 3. *Registers; offenses.*—[Registers must be kept in approved form, showing name, address, age, sex, nativity, and trade or occupation of applicants, such register to be open to official inspection. No agency may accept a fee from an applicant or send him to a place of employment without a bona fide order. Blanks, letter heads, receipts, etc., must bear the name and address of the agency. Publishing false or misleading statements, making false promises, sending labor to a place where labor trouble exists without giving information of the same and entering the fact on the receipt, splitting fees, sending females to places of immoral resort, and making false entries are forbidden. Registration fees may not exceed $2, for which receipt must be given, and the full amount must be returned on demand if no employment is procured within one month. Where applicants are sent outside the city and fail to secure employment through no fault of their own, both the fee and the expenses incurred must be refunded. If an applicant is discharged from employment before 7 days, the fee, or such portion as the commissioner of labor deems adequate, must be returned.]

SEC. 4. *Free employment offices.*—The commissioner of labor shall maintain, in connection with the bureau of labor and statistics, a free employment bureau, to be known as the "State Free Employment Service," for the purpose of receiving and filing applications of persons seeking employment and of persons or firms seeking to employ labor. The commissioner is also authorized to establish and maintain branch offices in sections of the State, where the convenience of the greatest number of people may be served. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment or from those desiring to employ labor through said bureau.

The managers of the State free employment offices shall cause to be received and recorded the names of all persons applying for employment, as well as the address of all persons, firms or corporations applying to employ labor, designating the name and address of each applicant [and] the character of employment desired or offered. Such managers shall also perform such other duties pertaining to the work of the State free employment bureau or the bureau of labor and statistics as the commissioner may require, and shall report to the commissioner of labor, as directed by him.

The commissioner of labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment and maintenance within the State of employment bureaus for the purpose of bringing together the man and the job. Said commissioner is also authorized and empowered to cooperate in a similar way and for the same purpose with municipalities, associations, societies, or individuals. Such cooperative employment bureaus, when established, shall be under the supervision of the commissioner of labor, and the cost and expense of establishing and of carrying on any such bureau shall be borne by the cooperating parties, upon an equitable basis to be agreed upon between them.

It shall be the duty of the commissioner of labor to communicate with manufacturers, merchants and other employers of labor in the State and to use all diligence in securing the cooperation of employment bureaus. To this end it shall be competent for such offices to advertise, under the direction of the commissioner of labor, in newspapers, or other mediums, for such situations as they have applications to fill, and they may advertise in a general way for the cooperation of contractors and employers in such trade or special publication as reach such employers.

SEC. 5. *Definitions.*—[The customary definitions are given of the terms, "agency," "applicant," and "work," the latter being used to include professional "and all other legitimate service."]

SEC. 7. *Violations.*—[Violations are punishable by fines, from $50 to $250, or imprisonment not over 30 days, or both.]

SEC. 8. *Construction.*—[The holding of any section to be invalid shall not affect the other provisions of the act.]

CALIFORNIA

CONSTITUTION

ARTICLE 19.—*Chinese labor—Employment—Immigration*

SECTION 3. *Employment on public works.*—No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

SEC. 4. *Coolies.*—The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the legislature may prescribe. The legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this constitution. This section shall be enforced by appropriate legislation.

ARTICLE 20.—*Hours of labor on public works*

SECTION 17. *Eight-hour day.*—The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public works and prescribe proper penalties for the speedy and efficient enforcement of said law.

ARTICLE 20.—*Minimum wages—Protection of employees*

SECTION 17½ (adopted 1914). *Power of legislature.*—The legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the legislature to confer upon any commission now or hereafter created, such power and authority as the legislature may deem requisite to carry out the provisions of this section.

ARTICLE 20.—*Sex no disqualification for employment*

SECTION 18. *Sex not a bar.*—No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SIMS' DEERING'S CODES—1906

POLITICAL CODE

Department of labor and industrial relations

SECTION 364 (added 1921, ch. 604). *Agencies created.*—A department of the government of the State of California to be known as the department of labor

and industrial relations is hereby created. The department shall consist of the following governmental agencies of the State of California, to wit: The industrial accident commission, the commission of immigration and housing, the industrial welfare commission, and the bureau of labor statistics. Said department shall be divided into four divisions as follows:

(1) The division of workmen's compensation insurance and safety, which shall be administered by the industrial accident commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the industrial accident commission.

(2) The division of immigration and housing, which division shall be administered by the commission of immigration and housing and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the commission of immigration and housing.

(3) The division of industrial welfare, which division shall be administered by the industrial welfare commission and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the industrial welfare commission.

(4) The division of labor, which division shall be administered by the commissioner of labor statistics and shall succeed to and is hereby invested with all the duties, powers, purposes, responsibilities, and jurisdiction now or hereafter conferred by law upon the commissioner of labor statistics and the bureau of labor statistics.

SEC. 364a. *Representatives.*—On or before the first day of October, 1921, and on or before the first day of January of each and every year thereafter, and at such other times in case of a vacancy, each of divisions one, two, and three shall designate one of its members as its representative on the department of labor and industrial relations; and the chief of the division of labor shall be the representative of the division of labor. Such representatives shall meet at a place to be designated by them at least once each month or oftener at the call of any two members. At their first meeting which shall be held during the month of October, 1921, they shall organize by electing one member as chairman and one as secretary. It shall be the duty of the secretary to keep a minute record of the proceedings of each meeting.

At each meeting of the department there shall be presented for determination all problems involving conflict of authority or activity of two or more divisions and the department shall hear, consider, and act upon any complaint or complaints of duplication of activities.

SEC. 364b. *Adjustments.*—The said department of labor and industrial relations shall make and promulgate rules and regulations that will eliminate overlapping and duplication of the activities of the several divisions and may provide for the transfer of functions and activities from one division to another in the interest of the betterment of the service of such division or divisions.

SEC. 364d. *Report.*—The department of labor and industrial relations shall submit a report to the governor and to the forty-fifth session of the legislature embodying a complete plan of reorganization and departmentalization of the activities herein mentioned.

Contract work on public buildings prohibited

SECTION 3233. *Day labor.*—All work done upon the public buildings of this State must be done under the supervision of a superintendent, or State officer or officers having charge of the work, and all labor employed on such buildings, whether skilled or unskilled, must be employed by the day, and no work upon any of such buildings must be done by contract.

Chinese labor—Products not to be bought by State officials

SECTION 3235. *Public supplies.*—No supplies of any kind or character, "for the benefit of the State, or to be paid for by any moneys appropriated or to be appropriated by the State," manufactured or grown in this State, which are in whole or in part the product of Mongolian labor, shall be purchased by the officials for the State having the control of any public institution under the control of the State, or of any county, city and county, city, or town thereof.

Hours of labor

SECTION 3244. *Eight hours a day's work, when.*—Eight hours of labor constitutes a day's work, unless it is otherwise expressly stipulated by the parties to a contract, except those contracts within the provisions of sections three thousand two hundred and forty-six, three thousand two hundred and forty-seven, and three thousand two hundred and forty-eight of this code.

SEC. 3246. *Street railways.*—Twelve hours' labor constitutes a day's work on the part of drivers and conductors, and gripmen of street cars for the carriage of passengers. Any contract for a greater number of hours' labor in one day shall be and is void, at the option of the employee, without regard to the terms of employment, whether the same be by the hour, day, week, month, or any other period of time, or by or according to the trip or trips that the car may, might, or can make between the termini of the route, or any less distance thereof. Any and every person laboring over twelve hours in one day as driver, or conductor, or gripman, on any street railroad, shall receive from his employer thirty cents for each hour's labor over twelve hours in each day.

SEC. 3247. *Actions for wages.*—In actions to recover the value or price of labor under section three thousand two hundred and forty-six of this code, the plaintiff may include in one action his claim for the number of days, and the number of hours' work over twelve hours in each day, performed by him for the defendant, and the court shall exclude all evidence of agreement to labor over twelve hours in one day for a less price than thirty cents, and the court shall exclude any receipt of payment for hours of labor over twelve hours in one day, unless it be established that at least thirty cents for each hour of labor over twelve hours in one day has been actually paid, and a partial payment shall not be deemed or considered a payment in full.

SEC. 3249. *Application of law.*—The provisions of sections three thousand two hundred and forty-seven * * * of this code are applicable to every contract to labor made by the persons named in section three thousand two hundred and forty-six.

SEC. 3250. *Violations.*—[Violations of sec. 3246 entail forfeiture of the sum of $50 to the use of the party prosecuting therefor, and any number of forfeits may be prosecuted in a single action.]

CIVIL CODE

Rights of employers—Injuries to employees

SECTION 49. *Injuries forbidden.*—The rights of personal relation forbid:

* * * * * * *

4. Any injury to a servant which affects his ability to serve his master.

Assignments of wages

SECTION 955 (added 1913, ch. 287). *What assignments valid.*—No assignment of, or order for wages or salary shall be valid unless made in writing by the person by whom the said wages or salary are earned and no assignment of, or order for, wages or salary made by a married person shall be valid unless the written consent of the husband or wife of the person making such assignment or order is attached to such assignment or order; and no assignment or order for wages or salary of a minor shall be valid unless the written consent of a parent or the guardian of such minor is attached to such order or assignment. No assignment of, or order for, wages or salary shall be valid unless at the time of the making thereof, such wages or salary have been earned, except for the necessities of life and then only to the person or persons furnishing such necessities of life directly and then only for the amount needed to furnish such necessities. Any power of attorney to assign or collect wages or salary shall be revocable at any time by the maker thereof.

Employment of labor—General provisions

SECTION 1965. *Definition.*—The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer, or of a third person.

SEC. 1969. *Losses incurred in discharge of duty.*—An employer must indemnify his employee except as prescribed in the next section, for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such, or of his obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying such directions, believed them to be unlawful.

SEC. 1970 (as amended by chapter 97, Acts of 1907). *Ordinary risks.*—An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless the negligence causing the injury was committed in the performance of a duty the employer owes by law to the employee, or unless the employer has neglected to use ordinary care in the selection of the culpable employee: *Provided, nevertheless,* That the employer shall be liable for such injury when the same results from the wrongful act, neglect or default of any agent or officer of such employer superior to the employee injured, or of a person employed by such employer having the right to control or direct the services of such employee injured, and also when such injury results from the wrongful act, neglect or default of a coemployee engaged in another department of labor from that of the employee injured, or employed upon a machine, railroad train, switch signal point, locomotive engine, or other appliance than that upon which the employee [who] is injured is employed, or who is charged with dispatching trains, or transmitting telegraphic or telephonic orders upon any railroad, or in the operation of any mine, factory, machine shop, or other industrial establishment.

Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways, appliances or structures of such employer shall not be a bar to recovery for any injury or death caused thereby, unless it shall also appear that such employee fully understood, comprehended and appreciated the dangers incident to the use of such defective machinery, ways, appliances or structures, and thereafter consented to use the same, or continued in the use thereof.

When death, whether instantaneous or otherwise, results from an injury to an employee received as aforesaid, the personal representative of such employee shall have a right of action therefor against such employer, and may recover damages in respect thereof, for and on behalf, and for the benefit of the widow, children, dependent parents, and dependent brothers and sisters, in order of precedence as herein stated, but no more than one action shall be brought for such recovery.

Any contract or agreement, express or implied, made by any such employee to waive the benefits of this section, or any part thereof, shall be null and void, and this section shall not be construed to deprive any such employee or his personal representative, of any right or remedy to which he is now entitled under the laws of this State.

The rules and principles of law as to contributory negligence which apply to other cases shall apply to cases arising under this section, except in so far as the same are herein modified or changed.

A clerk in a store and the operator of a passenger elevator are in different departments of labor within the meaning of this section. 111 Pac. 12.

SEC. 1971. *Want of care.*—An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

The retention of a foreman after knowledge of his incompetency is negligence, and the employer is liable for injuries resulting from such foreman's negligent acts. 47 Pac. 773.

SEC. 1975. *Service without consideration.*—One who, without consideration, undertakes to do a service for another, is not bound to perform the same, but if he actually enters upon its performance, he must use at least slight care and diligence therein.

SEC. 1976. *Requested employment.*—One who, by his own special request, induces another to intrust him with the performance of a service, must perform the same fully. In other cases, one who undertakes a gratuitous service may relinquish it at any time.

SEC. 1977. *Gratuitous attorney.*—A gratuitous employee, who accepts a written power of attorney, must act under it so long as it remains in force, or until he gives notice to his employer that he will not do so.

SEC. 1978. *Employee for consideration.*—One who, for a good consideration, agrees to serve another, must perform the service, and must use ordinary care and diligence therein, so long as he is thus employed.

SEC. 1979. *Interested volunteer.*—One who is employed at his own request to do that which is more for his own advantage than for that of his employer, must use great care and diligence therein to protect the interest of the latter.

SEC. 1980 (as amended 1919, ch. 512). *Term.*—A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, can not be enforced against the employee beyond the term of five years from the commencement of service under it; but if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

SEC. 1981. *Directions.*—An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, except where such obedience is impossible or unlawful, or would impose new and unreasonable burdens upon the employee.

SEC. 1982. *Usage.*—An employee must perform his service in conformity to the usage of the place of performance, unless otherwise directed by his employer, or unless it is impracticable, or manifestly injurious to his employer to do so.

SEC. 1983. *Degree of skill.*—An employee is bound to exercise a reasonable degree of skill, unless his employer has notice, before employing him, of his want of skill.

SEC. 1984. *Same subject.*—An employee is always bound to use such skill as he possesses, so far as the same is required, for the service specified.

The employee may employ others to do the work where his personal attention is not contracted for. 24 Cal. 308.

SEC. 1985. *Acquisitions by virtue of employment.*—Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

SEC. 1986. *Rendering accounts.*—An employee must on demand, render to his employer just accounts of all his transactions in the course of his service, as often as may be reasonable, and must, without demand, give prompt notice to his employer of everything which he receives for his account.

SEC. 1987. *Delivery of goods, etc., received.*—An employee who receives anything on account of his employer, in any capacity other than that of a mere servant, is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance, without demand, in any mode involving greater risk than its retention by the employee himself.

SEC. 1988. *Priority of employer's business.*—An employee who has any business to transact on his own account, similar to that intrusted to him by his employer, must always give the latter the preference.

SEC. 1989. *Employment of substitute.*—An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

SEC. 1990. *Negligence.*—An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him, if the service is not gratuitous, for the value of such services only as are properly rendered.

SEC. 1991. *Duty of survivor of joint servants.*—Where service is to be rendered by two or more persons jointly, and one of them dies, the survivor must act alone, if the service to be rendered is such as he can rightly perform without the aid of the deceased person, but not otherwise.

SEC. 1996 (as amended by chapter 157, Acts of 1901). *Termination of employment.*—Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

The parties to a contract of employment may, however, in writing, provide that it shall, notwithstanding the death of the employer, continue obligatory for and against his heirs and personal representatives, provided their liability shall be restricted to property received from and under him.

SEC. 1997. *Same subject.*—Every employment is terminated:

1. By the expiration of its appointed term;
2. By the extinction of its subject;
3. By the death of the employee; or,
4. By his legal incapacity to act as such.

SEC. 1998. *Service after death of employer.*—An employee, unless the term of his service has expired, or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest until a reaonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service according to the terms of the contract of employment.

SEC. 1999 (as amended 1915, ch. 433). *Term.*—An employment, having no specified term, may be terminated at the will of either party, on notice to the other. Employment for a specified term shall mean an employment for a period greater than one month.

SEC. 2000 (as amended 1915, ch. 433). *Cause for discharge.*—An employment, for a specified term, may be terminated at any time by the employer, in case of any willful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

SEC. 2001 (as amended 1915, ch. 433). *Cause for leaving service.*—An employment, for a specified term, may be terminated by the employee at any time, in case of any willful or permanent breach of the obligations of his employer to him as an employee.

SEC. 2002 (as amended 1915, ch. 433). *Payment of wages.*—An employee who is not employed for a specified term, dismissed by his employer, is entitled to compensation for services rendered up to the time of such dismissal.

SEC. 2003 (as amended 1915, ch. 433). *Same.*—An employee who is not employed for a specified term and who quits the service of his employer, is entitled to compensation for services rendered up to the time of such quitting.

SEC. 2004 (added 1921, ch. 901). *Deductions proportionate.*—There shall not be deducted from the wages of an employee on account of the employee's coming late to work a sum in excess of the proportionate wage which would have been earned during the time actually lost: *Provided*, That for a loss of time less than thirty minutes a half hour's wage may be deducted.

SEC. 2009. *Servant defined.*—A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

SEC. 2010. *Term of employment.*—A servant is presumed to have been hired for such length of time as the parties adopt for the estimation of wages. A hiring at a yearly rate is presumed to be for one year; a hiring at a daily rate, for one day; a hiring by piecework, for no specified term.

SEC. 2011. *Presumption.*—In the absence of any agreement or custom as to the term of service, the time of payment, or rate, or value of wages, a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

SEC. 2012. *Renewal by continuance.*—Where, after the expiration of an agreement respecting the wages and the term of service, the parties continue the relation of master and servant, they are presumed to have renewed the agreement for the same wages and term of service.

SEC. 2014. *Delivery of goods, etc., received.*—A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives for his account, without demand; but he is not bound, without orders from his master, to send anything to him through another person.

SEC. 2015. *Employer may discharge, when.*—A master may discharge any servant, other than an apprentice, whether engaged for a fixed term or not:

1. If he is guilty of misconduct in the course of his service, or of gross immorality, though unconnected with the same; or,

2. If, being employed about the person of the master, or in a confidential position, the master discovers that he has been guilty of misconduct, before or after the commencement of his service, of such a nature that, if the master had known or contemplated it, he would not have so employed him.

SEC. 2078. *Voluntcer service.*—One who officiously, and without the consent of the real or apparent owner of a thing, takes it into his possession for the

purpose of rendering a service about it, must complete such service, and use ordinary care, diligence, and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses incurred by him about such service from any profits which his service has caused the thing to acquire for its owner, and must account to the owner for the residue.

Contracts of employment—Enforcement

SECTION 3390. *Labor contracts.*—The following obligations can not be specifically enforced:

1. An obligation to render personal service;
2. An obligation to employ another in personal service;

* * * * * * *

CIVIL CODE—APPENDIX

Time for meals to be allowed employees in lumber mills, etc.

(Page 744)

SECTION 1. *One hour at noon to be allowed.*—Every person, corporation, copartnership, or company operating a sawmill, shake mill, shingle mill, or logging camp, in the State of California, shall allow to his or its employees, workmen, and laborers a period of not less than one hour at noon for the midday meal.

SEC. 2. *Violations.*—[Violations are punishable by fine of not to exceed $200 nor less than $100.]

Mine regulations—Quartz mines

(Page 745)

SECTIONS 1–3. *Escape shafts.*—[This act requires an escape shaft in quartz mines more than 300 feet in depth, where 12 men are employed daily, to connect with the main shaft at a depth not less than 100 feet from the surface. Liability is declared for all damages to persons arising from noncompliance.]

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 690 (as amended 1907, ch. 479). *Exemptions.*—[Seamen's earnings up to $300, no matter where or when earned, are exempt from attachment. Earnings of employees generally, for 30 days prior to the levy of execution, are exempt if it appears that they are necessary to the support of a family residing in the State; if not, or if the debt is for necessaries, the exemption is reduced one-half.]

Suits for wages—Attorneys' fees

SECTION 924 (as amended 1907, ch. 51). *Fee allowed on recovery.*—The prevailing party in the justices' courts is entitled to costs of the action, and also of any proceedings taken by him in aid of an execution, issued upon any judgment recovered therein. In actions for the recovery of wages for labor performed, the court shall add, as part of the costs, in any judgment recovered by the plaintiff, an attorney'[s] fee not exceeding twenty per cent of the amount recovered.

Wages as preferred claims—In assignments, etc.

SECTION 1204 (as amended 1901, ch. 102). *Assignments.*—[Wages of minors, mechanics, salesmen, etc., for 60 days prior to the assignment, not exceeding $100 to each, must be paid before the claim of any other creditor.]

SEC. 1205 (as amended 1901, ch. 102). *Administration.*—[Wages as above must be paid in the case of the death of the employer, next after funeral expenses, expenses of last sickness, allowance to widow and infant children, and expenses of administration.]

SEC. 1206 (as amended 1901, ch. 102). *Executions.*—[Wages in the same amount as above must be paid first out of any funds in the hands of the levying officer at the time a verified statement of the wage claim is submitted.]

PENAL CODE

Protection of employees as voters

SECTION 59. *Coercion, etc., by employers.*— * * * It is not lawful for any employer, in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed the name of any candidate, or any political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor is it lawful for any employer, within ninety days of any election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any hand bill or placard containing any threat, notice, or information, that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will l[c]ease in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section applies to corporations as well as individuals ,and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

Employment of children—Certain employments forbidden

SECTION 272. *Mendicant, etc., employments.*—[Hiring out children to the age of 16 in acrobatic, mendicant, or other injurious or dangerous occupations is forbidden. For the text of a similar law, see Delaware Code, sec. 2223.]

SEC. 273. *Same.*—[Employers of children as above are subject to the same penalties as parents, etc., hiring out children.]

SEC. 273e. *Messenger service.*—[Telephone companies and persons engaged in delivery service are forbidden to send any minor as messenger or delivery boy to immoral or questionable resorts or to any person connected therewith.]

SEC. 273f (added 1907, ch. 294). *Same.*—[Any person, whether as parent, employer, or otherwise, who sends a minor under the age of 18 to any gambling house or other immoral place is guilty of a misdemeanor.]

False representations as to employment of union labor

SECTION 349c (added 1915, ch. 487). *Acts forbidden.*—Any person engaged in the production, manufacture or sale of any article of merchandise in this State, or any person engaged in the performance of any acts or services of a private, public or quasi-public nature for profit, who willfully misrepresents or falsely states that members of trade-unions, labor associations or labor organizations were engaged or employed in the manufacture, production or sale of such article or in the performance of such acts or services, when in fact labor, laborers or employees not members of trades-unions, labor associations or labor organizations were exclusively used in the manufacture, production or sale of such articles or in the performance of such acts or service, shall be guilty of a misdemeanor, and punishable by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment.

Loading and unloading vessels—Hatch tenders

SECTION 368a (added 1913, ch. 290). *Hatch tenders required, when.*—Any person, firm or corporation engaged in the business of loading or unloading ships or vessels, or who contracts to load or unload a ship or vessel, or who shall be in charge of a ship or vessel while the same is being loaded or unloaded, or who is authorized to load or unload any ship or vessel, having a carrying capacity of fifty tons or greater, shall employ and supply upon every ship or vessel while being loaded or unloaded, a person over the age of twenty-one years to act as signal man or hatch-tender whose sole duty it shall be to observe the operations of loading or unloading of each working

hatch on such ship or vessel, and to warn all persons engaged in the operation of loading or unloading of any possibility of any injury to any of the articles of which the cargo is composed, or of danger to any person engaged or being in or about the said ship or vessel while the same is being loaded or unloaded as aforesaid. Any person, firm, or corporation violating the provisions of this act is guilty of a misdemeanor.

Safety appliances on street railways—Brakes, etc.

SECTION 369a. *Brakes required.*—Any person, company, or corporation, operating cars on the streets of cities or towns, or on the county roads within the State, for the conveyance of passengers, propelled by means of wire ropes attached to stationary engines, or by electricity or compressed air, who runs, operates, or uses any car or dummy, unless each car and dummy, while in use, is fitted with a brake capable of bringing such car to a stop within a reasonable distance, and a suitable fender, or appliance placed in front or attached to the trucks of such dummy or car, for the purpose of removing and clearing obstructions from the track, and preventing any obstacles, obstructions, or person on the track from getting under such dummy or car, and removing the same out of danger, and out of the way of such dummy or car, is guilty of a misdemeanor. Where the board of supervisors of any county, or the city council or other governing body of any city, by ordinance, order, or resolution, prescribes the fender or brake to be used as aforesaid, then a compliance with such ordinance, order, or resolution must be deemed a full compliance with the provisions of this section.

Protection of employees on buildings

SECTION 402c (as amended 1921, ch. 55). *Unsafe scaffolds, etc.*—Any person or corporation employing or directing another to do or perform any labor in the construction, alteration, repairing, painting or cleaning of any house, building or structure within this State, who knowingly or negligently furnishes or erects, or causes to be furnished or erected for the performance of such labor, unsafe or improper scaffolding, slings, hammers, [hangers], blocks, pulleys, stays, braces, ladders, irons, ropes or other mechanical contrivances, or who hinders or obstructs any officer or inspector of the industrial accident commission attempting to inspect the same under the provisions of any statute of the State of California or safety order of the industrial accident commission, or who destroys or defaces, or removes any notice posted thereon by any such officer or inspector, or permits the use thereof, after the same has been declared unsafe by such officer or inspector, contrary to the provisions of said acts or orders, shall be guilty of a misdemeanor.

Hours of labor on public works

SECTION 653c. *Limit of eight hours a day.*—The time of service of any laborer, workman, or mechanic employed upon any of the public works of the State of California, or of any political subdivision thereof, or upon work done for said State, or any political subdivision thereof, is hereby limited and restricted to eight hours during any one calendar day; and it shall be unlawful for any officer, or agent of said State, or of any political subdivision thereof, or for any contractor or subcontractor doing work under contract upon any public works aforesaid, who employs, or who directs or controls, the work of any laborer, workman, or mechanic, employed as herein aforesaid, to require or permit such laborer, workman, or mechanic, to labor more than eight hours during any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, or except to work upon public military or naval defenses or works in time of war. Any officer or agent of the State of California, or of any political subdivision thereof making or awarding, as such officer or agent, any contract, the execution of which involves or may involve the employment of any laborer, workman, or mechanic upon any of the public works or upon any work, hereinbefore mentioned, shall cause to be inserted therein a stipulation which shall provide that the contractor to whom said contract is awarded shall forfeit, as a penalty, to the State or political subdivision in whose behalf the contract is made and awarded, ten dollars for each laborer, workman, or mechanic employed, in the execution of said contract, by him, or by any subcontractor under him, upon any of the public works, or upon

any work, hereinbefore mentioned, for each calendar day during which such laborer, workman, or mechanic is required or permitted to labor more than eight hours in violation of the provisions of this act; and it shall be the duty of such officer or agent to take cognizance of all violations of the provisions of said act committed in the course of the execution of said contract, and to report the same to the representative of the State or political subdivisions, party to the contract, authorized to pay to said contractor moneys becoming due to him under the said contract, and said representative, when making payment of moneys thus due, shall withhold and retain therefrom all sums and amounts which shall have been forfeited pursuant to the herein said stipulation. Any officer, agent, or representative of the State of California, or of any political subdivision thereof, who shall violate any of the provisions of this section, shall be deemed guilty of misdemeanor, and shall upon conviction be punished by fine not exceeding five hundred dollars, or by imprisonment, not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 653d. *Retaining wages.*—Every person who employs laborers upon public works, and who takes, keeps, or receives for his own use any part or portion of the wages due to any such laborers from the State or municipal corporation for which such work is done, is guilty of a felony.

Blacklisting

SECTION 653e (added 1913, ch. 350). *Blacklisting prohibited.*—Any person, firm or corporation, or officer or director of a corporation, or superintendent, manager or other agent of such person, firm or corporation who, after having discharged an employee from the service of such person, firm or corporation or after having paid off an employee voluntarily leaving such service, shall, by word, writing or any other means whatsoever, misrepresent and thereby prevent or attempt to prevent such former employee from obtaining employment with any other person, firm or corporation, shall be punished by a fine not exceeding two thousand dollars and shall be liable in treble damages to any such employee sustaining damages through a violation of this section. Any person, firm or corporation who shall knowingly cause, suffer or permit an agent, superintendent, manager or other employee in his or its employ to commit a violation of this section, or who shall fail to take all reasonable steps within his or its power to prevent such violation of this act, shall be guilty of a violation of the provisions of this section and be subject to the penalty hereinbefore provided. Nothing in this section shall be construed to prevent an employer as hereinbefore defined or an agent, employee, superintendent or manager of such employer to furnish, upon special request therefor, a truthful statement concerning the reasons for the discharge of an employee or why an employee voluntarily left the service of the employer: *Provided, however,* That if such statement shall in connection therewith furnish any mark, sign or other means whatever conveying information different from that expressed by words therein, such fact, or the fact that such statement or other means of furnishing information was given without a special request therefor, shall be prima facie evidence of a violation of the provisions of this section.

PENAL CODE—APPENDIX

Labor combinations not unlawful

(Page 581)

SECTION 1. *Labor agreements not conspiracy.*—No agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the State of California shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this act shall exempt from punishment, otherwise than as herein excepted, any persons guilty of conspiracy, for which punishment is now provided by any act of the legislature, but such act of the legislature shall, as

to the agreements, combinations, and contracts hereinbefore referred to, be construed as if this act were therein contained: *Provided*, That nothing in this act shall be construed to authorize force or violence, or threats thereof.

Unlawful acts committed or threatened in connection with a strike or lockout may be enjoined under this act. Otherwise it is unconstitutional and void as arbitrarily putting one class of persons above and beyond the law which applies to all others. 86 Pac. 806; 103 Pac. 324.

Employment of labor—False representations

(Page 635)

SECTION 1 (as amended 1923, ch. 262). *Acts forbidden.*—It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, directly or through any agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this State or to change from any place in any State, territory, or country to any place in this State, or to change from any place in this State to any place in any State, territory or country, to work in any branch of labor, through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary or housing conditions relating to or surrounding it, or the existence or nonexistence of any strike, lockout, or other labor dispute affecting it and pending between the proposed employer or employers and the persons then or last theretofore engaged in the performance of the labor for which the employee is sought.

SEC. 2. *Violation.*—[Violators may be fined not over $2,000, or imprisoned not over one year, or both.]

Weekly day of rest

(Page 722)

SECTION 1. *One day's rest in seven.*—Every person employed in any occupation of labor shall be entitled to one day's rest therefrom in seven, and it shall be unlawful for any employer of labor to cause his employees, or any of them, to work more than six days in seven: *Provided, however*, That the provisions of this section shall not apply to any case of emergency.

SEC. 2. *Application of law.*—For the purposes of this act, the term day's rest shall mean and apply to all cases, whether the employee is engaged by the day, week, month, or year, and whether the work performed is done in the day or night time.

SEC. 3. *Violation.*—Any person violating the provisions of this act shall be deemed guilty of a misdemeanor.

GENERAL LAWS

ACT NO. 1098.—*Inspection and regulation of factories, etc.*

SECTION 1. *Sanitation.*—Every factory, workshop, mercantile or other establishment, in which five or more persons are employed, shall be kept in a cleanly state and free from the effluvia arising from any drain, privy, or other nuisance, and shall be provided within reasonable access, with a sufficient number of water-closets or privies for the use of the persons employed therein. Whenever the persons employed as aforesaid are of different sexes, a sufficient number of separate and distinct water-closets or privies shall be provided for the use of each sex, which shall be plainly so designated, and no person shall be allowed to use any water-closet or privy assigned to persons of the other sex.

SEC. 2. *Ventilation.*—Every factory or workshop in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be ventilated as to render harmless, as far as practicable, all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

SEC. 3. *Use of cellars, etc.*—No basement, cellar, underground apartment, or other place which the commissioner of the bureau of labor statistics shall

condemn as unhealthy and unsuitable shall be used as a workshop, factory, or place of business in which any person or persons shall be employed.

SEC. 4 (as amended 1909, ch. 52). *Fans, blowers, etc., to be installed.*—In any factory, workshop, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are produced or generated, that are liable to be inhaled by persons employed therein, the person, firm or corporation, by whose authority the said work or process is carried on, shall cause to be provided and used in said factory, workshop, or other establishment, exhaust fans or blowers with pipes and hoods extending therefrom to each machine, contrivance or apparatus by which dust, filaments or injurious gases are produced or generated. The said fans and blowers, and said pipes and hoods, all to be properly fitted and adjusted, and of power and dimensions sufficient to effectually prevent the dust, filaments, or injurious gases produced or generated by the above said machines, contrivances or apparatuses, from escaping into the atmosphere of the room or rooms of said factory, workshop or other establishment where persons are employed.

SEC. 5. *Seats for female employees.*—Every person, firm or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall provide such seats to the number of at least one-third the number of females so employed; and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

SEC. 6. *Violations.*—[Violations are punishable by a fine of not less than $50 nor more than $300, or imprisonment for not less than 30 nor more than 90 days.]

SEC. 7. *Enforcement.*—It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act.

ACT NO. 1828.—*Bureau of labor statistics*

SECTION 1 (as amended 1911, ch. 21). *Commissioner.*—As soon as possible after the passage of this act, the governor of this State shall appoint a suitable person to act as commissioner of a bureau of labor statistics. The headquarters of said bureau shall be located in the city and county of San Francisco. Said commissioner shall hold office and serve solely at the pleasure of the governor, and not otherwise.

SEC. 2. *Bond.*—The commissioner of the bureau, before entering upon the duties of his office, must execute an official bond in the sum of five thousand (5,000) dollars, and take the oath of office, all as prescribed by the Political Code for State officers in general.

SEC. 3. *Duties.*—The duties of the commissioner shall be to collect, assort, systematize, and present, in biennial reports to the legislature, statistical details relating to all departments of labor, in the State, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the probable chances of all being employed, the operation of labor-saving machinery in its relation to hand labor, etc. Said statistics may be classified as follows:

First. In agriculture.

Second. In mechanical and manufacturing industries.

Third. In mining.

Fourth. In transportation on land and water.

Fifth. In clerical and all other skilled and unskilled labor not above enumerated.

Sixth. The amount of cash capital invested in lands, buildings, machinery, material, and means of production and distribution generally.

Seventh. The number, age, sex, and condition of persons employed; the nature of their employment; the extent to which the apprenticeship system prevails in the various skilled industries; the number of hours of labor per day; the average length of time employed per annum, and the net wages received in each of the industries and employments enumerated.

Eighth. The number and condition of the unemployed, their age, sex, and nationality, together with the cause of their idleness.

Ninth. The sanitary condition of lands, workshops, dwellings; the number and size of rooms occupied by the poor, etc.; the cost of rent, fuel, food, clothing, and water in each locality of the State; also the extent to which labor-saving processes are employed to the displacement of hand labor.

Tenth. The number and condition of the Chinese in the State; their social and sanitary habits; number of married and of single; the number employed

and the nature of their employment; the average wages per day at each employment and the gross amount yearly; the amounts expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with the white industrial classes of the State.

Eleventh. The number, condition, and nature of the employment of the inmates of the State prisons, county jails, and reformatory institutions, and to what extent their employment comes in competition with the labor of mechanics, artisans, and laborers outside of these institutions.

Twelfth. All such other information in relation to labor as the commissioner may deem essential to further the object sought to be obtained by this statute, together with such strictures on the condition of labor and the probable future of the same as he may deem good and salutary to insert in his biennial reports.

SEC. 4. *Duties of State officers.*—It shall be the duty of all officers of State departments, and the assessors of the various counties of the State, to furnish, upon the written request of the commssioner, all the information in their power necessary to assist in carrying out the objects of this act; and all printing required by the bureau in the discharge of its duty shall be performed by the State printing department, and at least three thousand (3,000) copies of the printed report shall be furnished the commissioner for free distribution to the public.

SEC. 5. *Hindering commissioner.*—Any person who willfully impedes or prevents the commissioner, or his deputy, in the full and free performance of his or their duty, shall be guilty of a misdemeanor, and upon conviction of the same shall be fined not less than ten (10) nor more than fifty (50) dollars, or imprisoned not less than seven (7) nor more than thirty (30) days in the county jail, or both.

SEC. 6. *Information to be furnished by bureau.*—The office of the bureau shall be open for business from nine (9) o'clock a. m. until five (5) o'clock p. m. every day except nonjudicial days, and the officers therefor shall give to all persons requesting it all needed information which they may possess.

SEC. 7 (as amended 1923, ch. 257). *Collection of wages; entry.*—The commissioner and his representatives duly recommended by him in writing shall have the power and authority, when in his judgment he deems it necessary, to take assignments of wage claims and prosecute actions for the collection of wages and other demands of persons who are financially unable to employ counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; to issue subpœnas, to compel the attendance of witnesses or parties and the production of books, papers or records, and to administer oaths and to examine witnesses under oath, and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act and all other acts now or hereafter placed in the bureau for enforcement. When such assignments for wage claims are taken, no court costs shall be payable by said labor commissioner for prosecuting such suits. The commissioner shall have a seal inscribed "Bureau of Labor Statistics—State of California" and all courts shall take judicial notice of such seal. Obedience to subpœnas issued by the commissioner or his duly authorized representatives shall be enforced by the courts in any county or city and county. The commissioner and his representatives shall have free access to all places and works of labor, and any principal, owner, operator, manager, or lessee of any mine, factory, workshop, manufacturing or mercantile establishment, or any agent or employee of such principal, owner, operator, manager, or lessee who shall refuse to said commissioner, or his duly authorized representative, admission therein, or who shall, when requested by him, willfully neglect or refuse to furnish to him any statistics or information, pertaining to his lawful duties, which may be in his possession or under the control of said principal, owner, operator, lessee, manager or agent thereof shall be punished by a fine of not more than two hundred dollars.

SEC. 8 (added 1889, ch. 10). *Information confidential.*—No use shall be made in the reports of the bureau of the names of individuals, firms, or corporatons supplying the information called for by this act, such information being deemed confidential, and not for the purpose of disclosing any person's affairs; and any agent or employee of said bureau violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars or by imprisonment in the county jail not to exceed six months.

SEC. 9 (as amended 1917, ch. 211). *Appointees.*—The commissioner shall appoint two deputies who shall have the same power as said commissioner; an assistant deputy who shall reside in the county of Los Angeles; a statistician and chief examiner; a stenographer; and such agents or assistants as he may from time to time require, at such rate of wages as he may prescribe, and actual traveling expenses for each person while employed. He shall procure rooms necessary for office in San Francisco, Los Angeles, Sacramento, San Diego, and in such other places as he may deem necessary, at a rent not to exceed the sum of $400 per month.

SEC. 10 (as amended 1917, ch. 211). *Salaries.*—The salary of the commissioner shall be four thousand dollars per annum, the salary of each deputy commissioner shall be twenty-four hundred dollars per annum, the salary of the assistant deputy shall be twenty-one hundred dollars per annum, the salary of the statistician shall be twenty-one hundred dollars per annum, the salary of the stenographer shall be twelve hundred dollars per annum, to be audited by the controller and paid by the State treasurer in the same manner as other State officers. There shall also be allowed a sum not to exceed forty thousand dollars per annum for salaries of agents or assistants, for traveling expenses, and for other contingent expenses of the bureau.

SEC. 12. *Inspection of scaffolding, etc.*—Whenever complaint is made to the commissioner that the scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning, or painting of a building are unsafe or liable to prove dangerous to the life or limb of any person, such commissioner shall immediately cause an inspection to be made of the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If after examination such scaffolding or any of such parts is found dangerous to life or limb, the commissioner shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. The commissioner, deputy commissioner, or agent or assistant making the examination shall attach a certificate to the scaffolding, or the slings, hangers, irons, ropes, or other parts thereof, examined by him, stating that he has made such examination and that he found it safe or unsafe as the case may be. If he declared it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact and warn him against the use thereof. Such notice may be served personally upon the person responsible for its erection or by conspicuously affixing to the scaffolding or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall immediately remove such scaffolding or part thereof and alter or strengthen it in such a manner as to render it safe, in the discretion of the officer who has examined it or of his superiors. The commissioner, his deputy, and any duly authorized representative whose duty it is to examine or test any scaffolding or part thereof as required by this section, shall have free access, at all reasonable hours, to any building or premises containing them or where they may be in use. All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom and placed thereon, when in use, and not more than four men shall be allowed on any swinging scaffolding at one time.

ACT NO. 2223.—*Mine regulations—Coal mines*

SECTIONS 1–7. *Requirement.*—[These sections require owners to provide maps of all workings in a coal mine, the same to be open to inspection; to provide an escape shaft, adequate ventilation, and inspection by an inside overseer, who shall see that the hoisting machinery is in constant repair.]

SECS. 8, 9. *Violations.*—[Actions lie for injuries due to violations of the act. Willful negligence on the part of the overseer subjects him to punishment; and if it causes death, he shall be deemed guilty of manslaughter.]

SEC. 10. *Steam boilers.*—[Steam boilers used in or about coal mines must be inspected at least quarterly.]

SEC. 11. *New mines.*—[The act does not apply to the opening of new mines.]

ACT NO. 2665 (as amended 1907, ch. 224).—*Hours of labor of drug clerks*

SECTION 2 (as amended 1921, ch. 765). *Nine hours.*—As a measure for the protection of public health, no person employed by any person, firm, or

corporation, shall for more than nine hours during any one day of twenty-four hours, or fifty-four hours a week of six days a week, perform the work of selling drugs or other medicines, or compounding physicians' prescriptions, in any store, establishment, or place of business, where and in which drugs or medicines are sold at retail, and where and in which physicians' prescriptions are compounded: *Provided*, That in answering of and attending to emergency calls shall not be construed as a violation of this act.

SEC. 3 (as amended 1921, ch. 765). *Duty of employers.*—No person, firm, or corporation employing another person to do work which consists wholly or in part of selling, at retail, drugs or medicines, or of compounding physicians' prescriptions, in any store, or establishment, or place of business where or in which medicines are sold, and where and in which physicians' prescriptions are compounded, shall require or permit said employed persons to perform such work for more than an average of nine hours during any one day of twenty-four hours, or fifty-four hours a week of six days a week.

SEC. 4. *Violations.*—[Penalties are fine of not less than $20 nor more than $50, or imprisonment not exceeding 60 days, or both.]

SEC. 5. *Enforcement.*—The commissioners of the State bureau of labor statistics are hereby authorized, directed and empowered to enforce the provisions of this act.

This act is valid, but being a criminal statute must be strictly construed. Intermittent sales of drugs and of other articles commonly sold in drug stores, the total period exceeding nine hours, is not a violation of section 2. Ex parte Twing (1922), 204 Pac. 1082.

ACT No. 2894.—*Rates of wages of employees on public works*

SECTION 1. *Minimum.*—[This act fixed a minimum of $2 per day for labor under the direction or control of any officer of the State, by contractors or otherwise.]

ACT No. 3574 (as amended 1921, ch. 885).—*Employment of children—School attendance*

SECTION 1. *Attendance required.*—[Children under 16 years of age must attend the full term unless, among other reasons, they hold work permits under this act. Illiterates to 18 years of age are subject to requirements for part-time attendance.]

SEC. 3a. *Permits.*—[Superintendents of schools or persons authorized by them may issue permits to children 15 years of age who have completed 7 grades of school work, and to those 14 years of age who have completed an elementary course, if their labor is necessary for the support of the family. Evidence of age, schooling and physical fitness is required; also a statement from the prospective employer of the nature of the proposed employment.

Children under 14 years of age may receive permits for work outside of school hours for such periods as, added to the period of required school attendance, will not exceed 8 hours per day; or such child may be assigned to a vocational course in his place of employment in lieu of regular school work.]

SEC. 3b. *Vacation permits.*—[Minors over 12 years of age may be granted permits for employment during vacation in such employments as the attained age renders lawful.]

SEC. 3c. *Permits to employers.*—[Persons authorized to grant permits to work may also issue permits to employers for the employment of children, which shall show the kind of work to be done, a schedule of hours of school attendance, part or full time; the name and address of the employer and of the minor; and the term of the permit. This act does not modify the terms of sections 3½ or 5 of chapter 259, Acts of 1919.]

SEC. 3d. *Duty of employers, violations.*—[Employers of children under 16 years of age must keep registers, post schedules, and keep permits on file, subject to official inspection. Violations are punishable by fines, $50 to $200, or imprisonment not over 60 days, or both.

Minors with permits, if within the provisions of compulsory school attendance, must enroll as pupils if unemployed for a period longer than 10 consecutive days. Annual reports must be made of all permits issued.]

ACTS OF 1907

CHAPTER 530.—*Antitrust law—Labor organizations exempt*

SECTION 13 (added 1909, ch. 362). *Labor not a commodity.*—Labor, whether skilled or unskilled is not a commodity within the meaning of this act.

ACTS OF 1909

CHAPTER 331.—*Labor organizations—Unauthorized use of badges*

SECTION 1. *Unauthorized use prohibited.*—Any person who shall willfully wear the button of any labor union of this State, unless entitled to wear said button under the rules of such union, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment for a term not to exceed twenty days in the county jail or by a fine not to exceed twenty dollars, or by both such fine and imprisonment.

CHAPTER 387.—*Employment of labor on public works*

SECTION 9 (as amended 1915, ch. 666). *Compliance with laws.*— * * * Any such contracts [for public works] shall provide for the filing of a sufficient bond by the contractor to secure the payment of the claims of material men, mechanics, or laborers employed upon State work; a penalty of ten dollars per day to be forfeited to the State for each calendar day during which any laborer, workman or mechanic is employed or permitted to labor more than eight hours; a minimum compensation of not less than two dollars per day for labor; that no Chinese or Mongolian labor shall be employed and such other provisions as are now or may hereafter be provided by law.

CHAPTER 392.—*Labor organizations—Unauthorized use of cards*

SECTION 1. *Unauthorized use prohibited.*—Any person, who shall willfully use the card of any labor union to obtain aid, assistance or employment, thereby within this State, unless entitled to use said card under the rules and regulations of a labor union within this State, shall be guilty of a misdemeanor.

ACTS OF 1911

CHAPTER 49 (as amended 1913, ch. 168).—*Railroads—Experienced employees*

SECTION 4. *Qualifications.*—It shall be unlawful for any such common carrier [by railroad in the State of California operating more than four trains each way per day of twenty-four hours on any main truck or branch line of railroad within this State] to employ any person as a steam locomotive engineer who shall not have had at least three years' actual service as a steam locomotive fireman or one year's actual service as a steam locomotive engineer, or to employ any person as a conductor who shall not have had at least two years' actual service as a railroad brakeman on steam or electric railroad other than street railway, or one year's actual service as a railroad conductor, or to employ any person as a brakeman who shall not have passed the regular examination required by transcontinental railroads: *Provided*, That nothing in this act contained shall apply to the running or operating of locomotives or motor power cars to and from trains at terminals by hostlers or to the running or operating of steam locomotives or motive power cars to and from engine houses or to the doing of work on steam locomotives or motive power cars at shops or engine houses.

SEC. 5. *Penalty.*—Any violation of this act shall be a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 6. *Strikes.*—Nothing in this act contained shall apply to the operation of any train by said common carrier during times of strikes or walkouts, participated in by any of the hereinbefore mentioned employees of such common carriers.

CHAPTER 92 (as amended 1915, ch. 628).—*Payment of wages in scrip*

SECTION 1. *Orders, etc., to be negotiable.*—No person, firm, or corporation shall issue, in payment of or as an evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable upon demand without discount in cash at some bank or other established place of business in the State; and no person, firm or corporation shall issue in payment of wages due, or wages to become due an employee, or as an advance on wages to be earned by an employee, any scrip, coupons, cards or other thing redeemable in merchandise or purporting to be payable or redeemable otherwise than in money. But nothing herein contained shall be construed to prohibit an employer from guaranteeing the payment of bills incurred by an employee for the necessaries of life or for the tools and implements used by such employee in the performance of his duties: *Provided, however*, That the provisions of this act shall not apply to counties, cities and counties, municipal corporations, quasi municipal corporations or school districts organized and existing under the laws of this State.

SEC. 2. *Violations.*—[The penalty for violation is a fine not exceeding $500, or imprisonment for not over six months, or both.]

CHAPTER 258 (as amended 1913, ch. 352).—*Employment of women*

SECTION 1 (as amended 1919, ch. 248).—*Eight-hour workday.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, hospital, place of amusement, or restaurant, or telegraph or telephone establishment or office, or in the operation of elevators in office buildings, or by any express or transportation company in this State more than eight hours during any one day of twenty-four hours or more than forty-eight hours in one week. It shall be unlawful for any employer of labor to employ, cause to be employed, or permit any female employee to labor any number of hours whatever with knowledge that such female has heretofore been employed within the same date and day of twenty-four hours in any establishment and by any previous employer for a period of time that will, combined with the period of time of employment by a previous employer exceed eight hours: *Provided*, That this shall not prevent the employment of any female in more than one establishment where the total number of hours worked by said employee does not exceed eight hours in any one day of twenty-four hours. If any female shall be employed in more than one such place, the total number of hours of such employment shall not exceed eight hours during any one day of twenty-four hours or forty-eight hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day or forty-eight hours during any one week: *Provided further*, That the provisions of this section in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during such periods as may be necessary to harvest, cure, can, or dry said fruit, fish, or vegetable in order to save the same from spoiling.

SEC. 2. *Seats.*—Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

SEC. 3. *Enforcement.*—The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all powers and authority of sheriffs or other peace officers, to make arrests for violations of the provisions of this act, and to serve all processes and notices thereunder throughout the State.

SEC. 4. *Violations.*—[Violations of sections 1 and 2 of this act are punishable for a first offense by fine of not less than $25 nor more than $50; for a second, not less than $100 nor more than $250; or by imprisonment for not more than 60 days; or both.]

CHAPTER 399.—*Liability of employers for injuries to employees*

SECTION 1. *Negligence to be compared.*—In any action to recover damages for a personal injury sustained within this State by an employee while engaged in the line of his duty or the course of his employment as such, or for death resulting from personal injury so sustained, in which recovery is sought upon the ground of want of ordinary or reasonable care of the employer, or of any officer, agent or servant of the employer, the fact that such employee may have been guilty of contributory negligence shall not bar a recovery therein where his contributory negligence was slight and that of the employer was gross, in comparison, but the damages may be diminished by the jury in proportion to the amount of negligence attributable to such employee, and it shall be conclusively presumed that such employee was not guilty of contributory negligence in any case where the violation of any statute enacted for the safety of employees contributed to such employee's injury; and it shall not be a defense:

(1) That the employee either expressly or impliedly assumed the risk of the hazard complained of.

(2) That the injury or death was caused in whole or in part by the want of ordinary or reasonable care of a fellow servant.

SEC. 2. *Waivers.*—No contract, rule or regulation, shall exempt the employer from any of the provisions of the preceding section of this act.

CHAPTER 590 (as amended 1921, ch. 334).—*Protection of employees on buildings*

SECTION 1. *Floors required, when.*—Any building more than two stories high in the course of construction shall have the joists, beams, or girders of floors below the floor or level where any work is being done, or about to be done, covered with flooring laid close together, or with such other suitable material as will protect workmen engaged in such building from falling through joists or girders, and from falling planks, bricks, rivets, tools, or any other substance whereby life and limb are endangered, as follows:

(*a*) Any such building which is of reinforced concrete construction, with reinforced concrete floors, shall have the floor filled in either with forms or concrete on each floor before the commencement of work upon the walls of the second floor above, or the commencement of work upon the floor of the next floor above. Any building having wooden floors, other than a steel frame building, shall have the underflooring, if double flooring is to be used, laid on each floor within the time hereinabove described for reinforced concrete floors. Where single wooden floors are to be used, each floor shall be planked over within the time hereinbefore prescribed.

(*b*) If such building has a structural frame of iron or steel, the entire floor of every second story, except such space as may reasonably be required for the proper construction of such building, shall be thoroughly covered with planks tightly laid together, so that workmen shall have at all times planked floors within two stories below them.

(*c*) If a span of a floor exceeds thirteen (13) feet, an intermediate beam shall be used to support the temporary flooring: *Provided, however,* That spans not to exceed sixteen (16) feet may be covered by three (3) inch planks without such beam. Such intermediate beam shall be of a sufficient strength to sustain a live load of fifty (50) pounds per square foot of the area supported.

(*d*) If the distance between planked floors in any building or structure exceeds twenty-five (25) feet, intermediate flooring or safety nets shall be provided, which shall be fixed not to exceed twenty-five (25) feet below a floor upon which work is being performed and as close to such floor as practicable.

(*e*) The erection gang shall at all times have a planked floor below them not more than two stories distant.

(*f*) The riveting gang and steel painters shall at all times have a planked floor below them not more than two stories distant. Men working below riveting gangs shall at all times be protected from falling objects by having a planked floor between them and the riveting gangs.

(*g*) If building operations are suspended and the temporary flooring hereinbefore required is removed, upon the resumption of work, in case of such suspension, the building must be replanked so that every man at work shall have a covered floor not more than two floors below.

(*h*) Where a building is being constructed in sections each section shall constitute a building for the purpose of this act.

SEC. 2. *Spliced columns.*—Where such building has a structural frame of iron or steel and the iron or steel columns are spliced at every story the erection gang shall in no case be more than two stories distant from the riveting gang. If the columns are spliced every second or third story the erection gang shall in no case be more than four stories distant from the riveting gang.

SEC. 3. *Floors.*—Planked floors shall consist of planks tightly laid together of number one common lumber, not less than two inches thick and eight inches wide, free from protruding nails or other objects. Nets shall consist of at least one and one-half inch manila rope with three-quarter inch borders and four by four inch mesh. The borders of the nets shall be provided with loops so that they can be readily combined or attached to convenient points on the structural frame.

SEC. 4. *Acts forbidden.*—No owner, agent of the owner, general contractor, contractor, subcontractor, or other person shall proceed with any work assigned to or undertaken by him, or require or permit any other person to proceed with work assigned to or undertaken by either, unless the planking or nets required by this act are in place. Violation of this section shall constitute a misdemeanor.

SEC. 5. *Enforcement.*—It shall be the duty of the industrial accident commission to enforce the provisions of this act.

ACTS OF 1913

CHAPTER 148.—*Protection of employees on buildings*

SECTION 1 (as amended 1921, ch. 333). *Scaffolds, etc.*—All scaffolding or staging swung or suspended from an overhead support which is more than ten feet from the ground or floor, shall have a safety rail of wood, or other equally rigid material of sufficient strength. Such rail shall be properly secured and braced; such rail to rise at least forty-two inches above the floor or floors or main portions of such scaffolding or staging, and to extend along the entire length of the outside and ends thereof, and properly attached thereto; and such a scaffolding or staging shall be fastened so as to prevent the same from swaying from the building or structure, or place of work where such scaffolding or staging is being used. Any and all parts of such scaffolding or staging shall be of sufficient strength to support, bear, or withstand with safety, any weight of persons, tools, appliances, or materials that may be placed thereupon or that are to be supported thereby while such scaffolding or staging is being used for any of the purposes thereof. The industrial accident commission of the State of California is hereby authorized to make and enforce safety orders in the manner prescribed by law, to supplement and carry into effect the purposes and provisions of this act.

SEC. 2. *Safety lines.*—In addition to the duties imposed upon an employer by any law regulating or relating to scaffolding or staging, it shall be the duty of such employer who uses or permits the use of scaffolding or staging, as defined in section one of this act, in connection with construction, alteration, repairing, painting, cleaning or the doing of any other kind of work upon any building structure, or other thing or place of work, to furnish safety lines to tie all hooks and hangers back on the roof of such building, structure or other thing or place of work, and to provide safety lines hanging from the roof, securely tied thereto, and one such line to be provided between each pair of hangers or falls and near the ends of all such scaffolding or staging. When planks are used for the platforms or floors of such scaffolding or staging, they shall be not less than fourteen inches in width, and not less than one and one-half inches in thickness, and shall be of wood free from knots or fractures impairing the strength of such planks. Not more than two men shall be allowed or placed to work between two hangers or falls upon such scaffolding or staging.

SEC. 4 (as amended 1921, ch. 333). *Enforcement.*—It shall be the duty of the industrial accident commission to enforce the provisions of this act.

CHAPTER 81.—*Wiping rags*

SECTION 1. *To be sterilized.*—Every person or corporation who supplies or furnishes to his or its employees for wiping rags, or who sells or offers for sale for wiping rags, any soiled wearing apparel, underclothing, bedding, or parts of soiled or used underclothing, wearing apparel, bedclothes, bedding or soiled rags and cloths, unless the same have been sterilized by a process of

boiling for forty minutes in a solution containing five per cent of caustic soda, and unless before such boiling, the sleeves, legs and bodies of garments are ripped and made into flat pieces, is guilty of a misdemeanor.

Sec. 2. *Definition.*—Wiping rags within the meaning of this act are cloths and rags used for wiping and cleaning the surfaces of machinery, machines, tools, locomotives, engines, motor cars, automobiles, cars, carriages, windows, and furniture, and surfaces of articles, appliances and engines in factories, shops, steamships and steamboats, and generally used for cleaning purposes in industrial employments, and also used by mechanics and workmen for wiping from their hands and bodies soil incident to their employment.

Sec. 4. *Inspection.*—Every peace officer, health officer or health inspector, upon proper demand and notice of his authority, shall be permitted, during business hours, to enter factories, shops, yards, ships, boats and premises where wiping rags are used, or are kept for sale, or offered for sale, and inspect such wiping rags; and it shall be unlawful for any person, firm, company or corporation to refuse to permit such inspection, or to impede or obstruct such officer during such inspection.

Sec. 6. *Sale.*—Every package or parcel of wiping rags must, before being sold or offered for sale, be plainly marked "sterilized wiping rags," with the number and date of permit given for the conducting of the laundry in which the rags contained in such package or parcel were laundered and sterilized, and the name of the board or officer issuing the permit; or with the name and location of the laundry in which such rags were laundered and sterilized.

Sec. 7. *Penalty.*—Any person, firm or corporation who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Chapter 182.—*Labor camps*

Section 1 (as amended 1919, ch. 164). *Sanitation.*—In or at any camp where five or more persons are employed, bunk houses, tents or other suitable sleeping places must be provided for all the employees. Such bunk houses, tents or other sleeping places must be in good structural condition, and so constructed as to provide shelter to the occupants against the elements and so as to exclude dampness in inclement weather. The bunk houses, tents and other sleeping places shall be kept in a cleanly state, and free from vermin and matter of an infectious and contagious nature, and the grounds around such bunk houses, tents or other sleeping places shall be kept clean and free from accumulations of dirt, filth, garbage, and other deleterious matter.

Sec. 2 (as amended 1921, ch. 767). *Sleeping places.*—Every bunk house, tent, or other sleeping place used for the purpose of a lodging or sleeping apartment in such camp shall contain sufficient air space to insure an adequate supply of fresh air for each person occupying such bunk house, tent, or other sleeping place. Suitable bunks or beds shall be provided for all employees. Such bunks or beds shall be made of steel, canvas or other sanitary material, and shall be so constructed as to afford reasonable comfort to the persons occupying same. A clear space of at least twenty inches extending from the floor to the ceiling or roof of any bunk house, tent or other sleeping place must be allowed between each bed or bunk in any bunk house, tent or sleeping place. Upon request of an employee he must be supplied with a mattress or some equally comfortable bedding for which a reasonable charge may be made, the same to be deducted from his wages. When straw or other substitute for a mattress is used a container or tick must be provided.

Sec. 3 (as amended 1921, ch. 767). *Eating places.*—Every mess house, dining room, mess tent, dining tent, kitchen or other structure where food is cooked, prepared or served in such camp shall be kept in a clean and sanitary state, and the opening of such structure shall be screened. All dishes, cooking utensils, or other vessels in which food is prepared, or kept, or from which food is to be eaten, and all knives, forks, spoons, and other implements used in the eating of food must be kept in a clean, unbroken and sanitary condition.

Sec. 4 (as amended 1919, ch. 164). *Bathing and toilet facilities.*—For every such camp there shall be provided convenient and suitable bathing facilities of a reasonable nature to suit conditions, which shall be kept in a clean and sanitary condition. For every such camp there shall be provided convenient and suitable privy or other toilet facilities, which shall be kept in a clean and sanitary state. A privy other than a water-closet shall consist of a pit at least two feet deep, with suitable shelter over the same, and the openings of the

shelter and pit shall be inclosed by screening or other suitable fly netting. No privy shall be filled with excreta to nearer than one foot from the surface of the ground and the excreta in the pit shall be covered with earth, ashes, lime or other similar substance.

SEC. 5 (as amended 1919, ch. 164). *Disposal of garbage.*—All garbage, kitchen wastes and other rubbish in such camp shall be deposited in suitable covered receptacles which shall be emptied daily or oftener if necessary, and the contents burned, buried or otherwise disposed of in such a way as not to be or become offensive or insanitary. All drainage from the kitchen sink shall be carried through a covered drain to a covered cesspool or septic tank or otherwise disposed of in such a way as not to become offensive or insanitary.

SEC. 6 (as amended 1919, ch. 164). *Duty of employers.*—It shall be the duty of any person, firm, corporation, agent, or officer of a firm or corporation employing persons to work in or at camps to which the provisions of this act apply and the superintendent or overseer in charge of the work in or at such camps to carry out the provisions of this act. At every such camp, such owner, superintendent, or overseer shall appoint a responsible person to assist in keeping the camp clean.

SEC. 7 (as amended 1921, ch. 767). *Enforcement.*—The commission of immigration and housing of California shall administer this act and secure the enforcement of the provisions thereof, and for such purposes the officers and agents of the said commission shall have the right to enter upon either public or private property within the State to determine whether or not there exists upon such property any camp to which the provisions of this act may apply; and to enter and inspect all camps within the State of California wheresoever the same may be situated, and to inspect all accommodations, equipment, or paraphernalia connected therewith; and to enter upon and inspect all adjacent land surrounding the said or any such camp to determine whether or not the sanitary and other requirements of this act have been or are being complied with. Any camp coming under the provisions of this act which does not conform to the provisions of this act is hereby declared a public nuisance, and if not made to so conform within five days or within such longer period of time as may be allowed by the commission of immigration and housing, after written notice given by the said commission, shall be abated by proper action brought for that purpose in the superior court of the county in which such camp, or the greater portion thereof, is situated.

For the purpose of securing the enforcement of this act the officers and agents of the commission of immigration and housing of California shall have the power and authority of sheriffs and other peace officers to make arrests, to serve any process or notice throughout the State of California, and to use such other power and authority as is vested in sheriffs and other peace officers, and as may become necessary in securing the enforcement of this act.

SEC. 8 (added 1915, ch. 329). *Violations.*—[Violations entail a fine of not more than $200, or imprisonment for not more than 60 days, or both.]

CHAPTER 186.—*Hours of labor in mines, smelters, etc.*

SECTION 1. *Eight hours per day.*—The period of employment for all persons who are employed or engaged in work in underground mines in search of minerals, whether base or precious, or who are engaged in such underground mines for other purposes, or who are employed or engaged in any other underground workings whether for the purpose of tunneling, making excavations or to accomplish any other purpose or design, or who are employed in smelters and other institutions for the reduction or refining of ores or metals, shall not exceed eight hours within any twenty-four hours, and the hours of employment in such employment or work day shall be consecutive, excluding, however, any intermission of time for lunch or meals: *Provided*, That, in case of emergency where life or property is in imminent danger, the period may be a longer time during the continuance of the exigency or emergency.

SEC. 2. *Violations.*—[Violations are punishable by fine of not less than $50 nor more than $300, or by imprisonment not more than 3 months, or both, at the discretion of the court.]

An earlier statute on this subject was held to be constitutional; the provision that the hours of labor shall be consecutive is a matter of legislative policy, not reviewable by the courts. 106 Pac. 235.

CHAPTER 198.—*Payment of wages—Seasonal occupations*

SECTION 1. *Definition.*—For the purpose of this act the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month, and where the wages for such work are not to be paid at any fixed intervals of time, but at the termination of such employment, and where the work is to be performed outside of this State: *Provided*, That snch person is hired within this State and the wages earned during such employment are to be paid in this State at the termination of such employment.

SEC. 2. *Payment of wages.*—Upon application of either the employer or the employee, the wages earned in seasonal labor, shall be paid in the presence of the commissioner of the bureau of labor statistics or an examiner appointed by him.

SEC. 3. *Duties of commissioner.*—The commissioner shall hear and decide all disputes arising from wages earned in seasonal labor and he shall allow or reject any deductions made from such wages: *Provided, however*, That he shall reject all deductions made for gambling debts incurred by the employee during such employment and for liquor sold to the employee during such employment.

SEC. 4. *Award.*—After final hearing by the commissioner, he shall file in the office of the bureau of labor statistics, a copy of the findings upon facts and his award.

SEC. 5. *Same.*—The amount of the award of the commissioner shall be conclusively presumed to be the amount of the wages due and unpaid to the employee at the time of the termination of the employment, and prosecution may be commenced under the provisions of an act * * * [Chapter 663, Acts of 1911].

SEC. 6. *Powers of commissioner.*—The commissioner or any examiner appointed by him, shall have power and authority to issue subpoenas to compel attendance of witnesses or parties, and the production of books, papers or records and to administer oaths. Obedience to such subpoenas shall be enforced by the courts of any county or city and county.

SEC. 7. *Construction of act.*—This act shall not be construed to apply to the wages earned by seamen or other persons, where the payment of wages is regulated by Federal statute.

CHAPTER 227.—*Bureau of labor statistics—Attorney*

SECTION 1. *Attorney to be appointed.*—The office of attorney for the State bureau of labor statistics is hereby created. Said attorney shall be appointed by the commissioner of the bureau of labor statistics.

SEC. 2. *Duties.*—It shall be the duty of such attorney to act for and represent the State bureau of labor statistics and the commissioner thereof in all legal matters which may require the attention of such State bureau of labor statistics and the commissioner thereof, and to specially represent and act for and in cooperation thereof, when required, in the prevention of all acts and things which, in the judgment of the State bureau of labor statistics or the commissioner thereof, as will best subserve and carry out the provisions of an act entitled, "An act to establish and support a bureau of labor statistics," approved March 3, 1883; and also, all other acts which have been or may be hereafter designated by the legislature to be enforced by said State bureau of labor statistics or the commissioner thereof, and in all other matters pertaining to the welfare of minors and labor generally and to assist and aid the said bureau and the commissioner thereof with his advice, and to represent and act for the same in court.

SEC. 3. *Salary.*—The salary of such attorney shall be twenty-four hundred dollars per annum and shall be paid out of the State treasury, upon warrants drawn by the controller, in the same manner as the salaries of other State officers are paid.

CHAPTER 255.—*Registration of factories, etc.*

SECTION 1 (as amended 1917, ch. 177). *Who to register.*—Whenever the commissioner of labor shall have been notified or otherwise becomes aware of the existence of a new factory, or factories, he shall forward a notification of said fact on or before the tenth day of each month to the State board of health and to the board of health or the health officer of the city and county wherein said factory or factories may be located.

SEC. 2. *Enforcement.*—The bureau of labor statistics shall enforce the provisions of this act. The commissioner, his deputies and agents, shall have all the powers and authority of sheriffs or other peace officers, to make arrests for violations of the provisions of this act, and to serve any process or notice throughout the State.

SEC. 3. *Violations.*—[Violating or failing to comply with this act is punishable by fine, $25 to $200, or by imprisonment not over 60 days, or both.]

CHAPTER 275.—*Protection of employees on buildings—Elevators*

SECTION 1. *Definitions.*—The words and phrases used in this act shall for the purposes of this act, unless the same be contrary to or inconsistent with the context, be construed as follows:

1. "Elevator" shall mean any means used to hoist persons or material of any kind on a building under course of construction, when operated by any power other than muscular power.

2. "Building" shall include structures of all kinds, regardless of the purposes for which they may be intended to be used, and whether such construction be below or above the level of the ground.

SEC. 2 (as amended 1921, ch. 332). *Signals.*—Every hoist hereafter used in buildings during the course of construction shall have a system of signals for the purpose of signaling the person operating or controlling the machinery which may operate or control the hoist. And it shall be the duty of the person in charge of such building to appoint one or more persons to give such signals, such person to be selected from those most familiar with the work for which said hoist is being used. The signaling devices provided shall be protected against unauthorized or accidental operation. The industrial accident commission shall within six months after this act takes effect make and enter its general safety order or orders in the manner prescribed by law, and may from time to time thereafter amend such orders in the manner prescribed by law, for the making of general safety orders specifying and fixing the nature and method of signals and signaling devices and uniform signals to be used in this state under the provisions of this act. Until such general safety order or orders are so adopted, such signals and signaling devices shall be governed by safety order number one thousand one hundred fifteen of the general construction safety orders of the industrial accident commission as in effect at the time of the passage of this act.

SEC. 3 (as amended 1921, ch. 332). *Inspection.*—It shall be the duty of the industrial accident commission to inspect all hoists coming within the definition contained in section 1 of the act herein amended. If any part of the construction or system of signals used on a hoist is defective or may endanger the lives of the men working in immediate vicinity of said hoist, the industrial accident commission shall direct the person in charge thereof to remedy such defect, and such hoist shall not be used again until the order of the commission shall have been complied with.

SEC. 4. *Violations.*—[Violations are punishable by a fine of not less than $50 nor more than $500, or by imprisonment for not less than 30 days nor more than 6 months, or both.]

CHAPTER 278.—*Provisions for accidents in factories*

SECTION 1. *Medical chests.*—Every person, firm or corporation operating a factory or shop, or conducting any business in which power machinery is used for any manufacturing purpose, except for elevators or for heating or hoisting apparatus, where five or more persons are employed, shall at all times keep and maintain, in some accessible place upon the premises upon which such factory, shop or business is located, free of expense to the employees, a medical or surgical chest which shall contain an adequate assortment of absorbent lint, absorbent cotton, sterilized gauze, plain and medicated, adhesive plaster, cotton and gauze bandages, also one tourniquet, one pair of scissors, one pair of tweezers, one jar carbolized petrolatum, one bottle antiseptic solution, and one first-aid manual, all of which shall cost not less than six dollars, and to be used in the treatment of persons injured or taken ill upon the premises.

SEC. 2. *Penalty.*—Any person, firm or corporation violating this act shall be subject to a fine of not less than ten dollars nor more than fifty dollars for every week during which such violation continues.

CHAPTER 282.—*Private employment offices*

SECTION 1. *Definitions.*—[Defines "agency," "engagement," "fee," etc.]

SEC. 2. *License.*—[No person may open or carry on any agency without a license from the commissioner of labor.]

SEC. 3. *Applications.*—[Applications must be in prescribed forms, stating name and address of applicant, business for at least two years preceding, whether a lodging house for the unemployed is to be conducted, and must be accompanied by affidavits of good character.]

SEC. 4 (as amended 1915, ch. 551). *Duties of commissioner.*—[The commissioner may cause an investigation to be made of the character and responsibility of the applicant, examine witnesses under oath, and must grant or refuse license within 30 days. Agencies may not be operated in connection with living rooms or eating or lodging houses or rooms. No license may be issued for 3 years after a revocation. Revocation may be made for violations of the law, ceasing to be of good moral character, or change of conditions under which the license was issued.]

SEC. 5. *Contents of license.*—[Licenses must show name of holder, location of business, and whether the holder conducts a separate lodging house.]

SEC. 6. *Transfer.*—[Licenses may be transferred to another person or place only with the written consent of the commissioner. No fee is charged for transfer.]

SEC. 7 (as amended 1915, ch. 551). *License fee.*—[A fee of $100 must be paid in cities above third class, $50 in third and fourth classes, and $10 elsewhere. Penal bonds ranging from $2,000 to $500 are required to secure compliance with the law and protect persons injured by fraud, deceit, etc.]

SEC. 8. *Suits.*—[Persons claiming damages may sue on the bond as in a civil suit.]

SEC. 9. *Registers.*—[Registers must be kept, showing name of applicant, date applied, date work was promised or information given, fee required and other data as the commissioner may require. Corresponding records must be kept of applicants for help, showing rate of wages to be paid.]

SEC. 10. *Inspection.*—[Registers, etc., are to be open to official inspection.]

SEC. 11 (as amended 1923, ch. 412). *Receipts.*—[Receipts, numbered consecutively and issued in duplicate, are to be given every applicant from whom a fee is received. The receipt must show that the agency is licensed, give its name, address, and telephone number, if any; give the name of the applicant and of the prospective employer, the amount of fee charged the applicant and the employer, if any; cost of transportation, kind of work, wages, sanitary conditions, hours, whether temporary or permanent (i. e. lasting more than 90 days), whether or not labor disputes exist, and any other term, condition, or understanding agreed upon. A promise to return the fee, in accordance with section 12, must be incorporated.]

SEC. 11a (added 1923, ch. 413). *Schedule of fees.*—[A schedule of fees charged must be filed with the commissioner of labor, the same to be posted in each room of the agency. No sum in excess of the schedule may be charged, and no change may be made until seven days after filing with the commissioner and posting in the agency.]

SEC. 12 (as amended 1915, ch. 551). *Orders; return of fees.*—[No fee may be charged for registration of any person sent out for employement without a bona fide order from an employer. If no employment is secured the fee must be returned on demand, together with expenses of travel if the employment promised was outside the city limits. If employment lasts less than seven days by reason of the worker's discharge, the fee, or a portion thereof, as the commissioner may determine, shall be returned.]

SEC. 13. *False information, etc.*—[The publication or use of false information, misleading advertisements, etc., is forbidden. All letterheads, receipts, etc., must contain the name and address of the agency.]

SEC. 14 (as amended 1915, ch. 551). *Sending to certain places; notice of strikes.*—[No woman or minor under 21 may be sent as an employee to any house of ill fame or place of immoral resort, the character of which could have been ascertained on reasonable inquiry; nor may a child be placed in any employment in violation of the child labor law. Notice must be given of any existing labor trouble. The splitting of fees is forbidden.]

SECS. 15, 16. [These sections relate to theatrical agencies.]

SEC. 17. *Act to be posted.*—[A copy of the act and the name and address of the enforcing officer must be posted in each room of the agency.]

SEC. 18. *Violations.*—[Penalties for violations are fines, $50 to $250, or imprisonment not over 60 days, or both.]

SEC. 19 (as amended 1923, ch. 412). *Enforcement.*—[The commissioner of labor and his deputies and agents are authorized to enforce the act. The commissioner decides controversies, subject to appeal to the courts.]

CHAPTER 324.—*Industrial welfare commission*

SECTION 1. *Commission established.*—There is hereby established a commission to be known as the industrial welfare commission, hereinafter called the commission. Said commission shall be composed of five persons, at least one of whom shall be a woman, and all of whom shall be appointed by the governor as follows: Two for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years: *Provided, however*, That at the expiration of their respective terms, their successors shall be appointed to serve a full term of four years. Any vacancies shall be similarly filled for the unexpired portion of the term in which the vacancy shall occur. Three members of the commission shall constitute a quorum. A vacancy on the commission shall not impair the right of the remaining members to perform all the duties and exercise all the powers and authority of the commission.

SEC. 2. *Per diem; employees.*—The members of said commission shall draw no salaries but all of said members shall be allowed ten dollars per diem while engaged in the performance of their official duties. The commission may employ a secretary, and such expert, clerical and other assistants as may be necessary to carry out the purposes of this act, and shall fix the compensation of such employees, and may, also, to carry out such purposes, incur reasonable and necessary office and other expenses, including the necessary traveling expenses of the members of the commission, of its secretary, of its experts, and of its clerks and other assistants and employees. All employees of the commission shall hold office at the pleasure of the commission.

SEC. 3. *Duties of commission.*—(*a*) It shall be the duty of the commission to ascertain the wages paid, the hours and conditions of labor and employment in the various occupations, trades, and industries in which women and minors are employed in the State of California, and to make investigations into the comfort, health, safety and welfare of such women and minors.

(*b*) It shall be the duty of every person, firm or corporation employing labor in this State:

1. To furnish to the commission, at its request, any and all reports or information which the commission may require to carry out the purposes of this act, such reports and information to be verified by the oath of the person, or a member of the firm, or the president, secretary, or manager of the corporation furnishing the same, if and when so requested by the commission or any member thereof.

2. To allow any member of the commission, or its secretary, or any other of its duly authorized experts or employees, free access to the place of business or employment of such person, firm, or corporation, for the purpose of making any investigation authorized by this act, or to make inspection of, or excerpts from, all books, reports, contracts, pay rolls, documents, or papers, of such person, firm, or corporation relating to the employment of labor and payment therefor by such person, firm, or corporation.

3. To keep a register of the names, ages, and residence addresses of all women and minors employed.

(*c*) For the purposes of this act, a minor is defined to be a person of either sex under the age of eighteen years.

SEC. 3½ (added 1919, ch. 204). *Issue of subpœnas.*—Any member of the commission or deputies duly authorized by it in writing, shall have the power and authority to issue subpœnas to compel the attendance of witnesses or parties and the production of books, papers, pay rolls or records, and to administer oaths and to examine witnesses under oaths and to take the verification or proof of instruments of writing, and to take depositions and affidavits for the purpose of carrying out the provisions of this act, or any of its orders, rules or regulations: *Provided,* That no witnesses shall be compelled to attend on said commission outside of the county in which said witness resides or at a distance greater than fifty miles from his place of residence.

Obedience to subpœnas issued by the commission or its duly authorized representatives shall be enforced in the superior courts of the county or city and county in which the subpœnas were issued.

SEC. 4. *Hearings.*—The commission may specify times to hold public hearings, at which times, employers, employees, or other interested persons, may appear and give testimony as to the matter under consideration. The commission or any member thereof shall have power to subpœna witnesses and to administer oaths. All witnesses subpœnaed by the commission shall be paid the fees and mileage fixed by law in civil cases. In case of failure on the part of any person to comply with any order of the commission or any member thereof, or any subpœna, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court or the judge thereof, on the application of a member of the commission, to compel obedience in the same manner, by contempt proceedings or otherwise, that such obedience would be compelled in a proceeding pending before said court. The commission shall have power to make and enforce reasonable and proper rules of practice and procedure and shall not be bound by the technical rules of evidence.

SEC. 5. *Wage board.*—If, after investigation, the commission is of the opinion that, in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or the hours or conditions of labor are prejudicial to the health, morals or welfare of the workers, the commission may call a conference, hereinafter called "wage board," composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question, and a representative of the commission to be designated by it, who shall act as the chairman of the wage board. The members of such wage board shall be allowed five dollars per diem and necessary traveling expenses while engaged in such conferences. The commission shall make rules and regulations governing the number and selection of the members and the mode of procedure of such wage board, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of such wage board. The proceedings and deliberations of such wage board shall be made a matter of record for the use of the commission, and shall be admissible as evidence in any proceedings before the commission. On request of the commission, it shall be the duty of such wage board to report to the commission its findings, including therein:

1. An estimate of the minimum wage adequate to supply to women and minors engaged in the occupation, trade or industry in question, the necessary cost of proper living and to maintain the health and welfare of such women and minors.
2. The number of hours of work per day in the occupation, trade or industry in question, consistent with the health and welfare of such women and minors.
3. The standard conditions of labor in the occupation, trade or industry in question, demanded by the health and welfare of such women and minors.

SEC. 6 (as amended 1921, ch. 279). *Fixing wages.*—(*a*) The commission shall have further power after a public hearing had upon its own motion or upon petition, to fix:

1. A minimum wage to be paid to women and minors engaged in any occupation, trade or industry in this State, which shall not be less than a wage adequate to supply to such women and minors the necessary cost of proper living and to maintain the health and welfare of such women and minors.
2. The maximum hours of work consistent with the health and welfare of women and minors engaged in any occupation, trade or industry in this State: *Provided*, That the hours so fixed shall not be more than the maximum now or hereafter fixed by law.
3. The standard conditions of labor demanded by the health and welfare of the women and minors engaged in any occupation, trade or industry in this State.

(*b*) Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon any matters referred to it in subsection (*a*) hereof, the commission shall give public notice by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno and in the city and county of San Francisco, and shall give due notice in at least one newspaper published in each of the cities of Fresno, San Jose, Eureka, San Diego, Long Beach, Alameda, Berkeley and Stockton, and by mailing a copy of said notice to the county clerk of each county in the State to be posted at the court house of each county, or city and county, and also to each association of employers or employees and to any employer within the State of California filing with the

commission a written request for such notice of such hearing and the purpose thereof, which notice shall state the time and place fixed for such hearing, which shall not be earlier than fourteen days from the date of publication and mailing of such notices.

(*c*) After such public hearing, the commission may, in its discretion, make a mandatory order to be effective in sixty days from the publication of such order, specifying the minimum wage for women or minors in the occupation in question, [and] the maximum hours: *Provided*, That the hours specified shall not be more than the maximum for women or minors in California [,] and the standard conditions of labor for said women or minors. Such order shall be published in at least one newspaper in each of the cities of Los Angeles, Sacramento, Oakland, San Jose, Fresno, and in the city and county of San Francisco, and a copy thereof be mailed to the county clerk of each county in the State, and such copies shall be filed without charge. The commission shall send by mail, so far as practicable, to each employer in the occupation in question, a copy of the order, and each employer shall be required to post a copy of such order in the building in which women or minors affected by the order are employed; and it shall be the duty of the commission to send a copy of such order to each employer registering his name with the commission and requesting such order to be mailed, but the failure to mail such order or notice thereof to any employer affected thereby shall not relieve such employer from the duty to comply with such order, and finding by the commission that there has been the publication and mailing to county clerks as herein provided shall be conclusive as to service.

SEC. 7. *Reconsideration.*—Whenever wages, or hours, or conditions of labor have been so made mandatory in any occupation, trade, or industry, the commission may at any time in its discretion, upon its own motion or upon petition of either employers or employees, after a public hearing held upon the notice prescribed for an original hearing, rescind, alter or amend any prior order. Any order rescinding a prior order shall have the same effect as herein provided for in an original order.

SEC. 8 (as amended 1915, ch. 571). *Special licenses.*—(*a*) For any occupation in which a minimum wage has been established, the commission may issue to a woman physically defective by age or otherwise, a special license authorizing the employment of such licensee, for a period of six months, for a wage less than such legal minimum wage; and the commission shall fix a special minimum wage for such person. Any such license may be renewed for like periods of six months.

(*b*) For any occupation in which a minimum wage has been established, the commission may issue to an apprentice or learner, a special license authorizing the employment of such apprentice or learner, for such time and under such conditions as the commission may determine at a wage less than such legal minimum wage; and the commission shall fix a special wage for such apprentice or learner.

(*c*) The commission may fix the maximum number of women, and minors under eighteen years of age, to be employed under the licenses provided for in subdivisions (a) and (b) of this section in any occupation, trade, industry, or establishment in which a minimum wage has been established.

SEC. 9. *Statistics, etc.*—Upon the request of the commission, the labor commissioner shall cause such statistics and other data and information to be gathered, and investigations made, as the commission may require. The cost thereof shall be paid out of the appropriations made for the expenses of the commission.

SEC. 10. *Discrimination, etc., against employees.*—Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because such employee has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor.

SEC. 11 (as amended 1915, ch. 571). *Paying less than minimum wage.*—The minimum wage for women and minors fixed by said commission as in this act provided, shall be the minimum wage to be paid to such employees, and the payment to such employees of a less wage than the minimum so fixed shall be unlawful, and every employer or other person who, either individually or as an officer, agent, or employee of a corporation or other person, pays or causes to be paid to any such employee a wage less than such minimum, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished

by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and every employer or other person, who either individually, or as an officer, agent or employee of a corporation, or other persons, violates or refuses or neglects to comply with the provisions of this act, or any orders or rulings of this commission, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than fifty dollars, or by imprisonment for not less than thirty days, or by both such fine and imprisonment.

Sec. 11b (added 1919, ch. 204). *Enforcement.*—It shall be the duty of the industrial welfare commission to enforce the provisions of this act and compliance with its orders, rules, and regulations. Full power and authority is hereby vested in the commission to take such action as may be deemed essential for such purposes.

Sec. 12 (as amended 1921, ch. 279). *Prosecutions.*—[This section gives the mode of procedure in prosecuting violations of the act.]

Sec. 13. *Right to recover.*—Any employee receiving less than the legal minimum wage applicable to such employee shall be entitled to recover in a civil action the unpaid balance of the full amount of such minimum wage, together with costs of suit, notwithstanding any agreement to work for such lesser wage.

Sec. 14. *Complaints.*—Any person may register with the commission a complaint that the wages paid to an employee for whom a living rate has been established, are less than that rate, and the commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Sec. 15. *Reports.*—The commission shall biennially make a report to the governor and the State legislature of its investigations and proceedings.

Sec. 17. *Arbitration forbidden.*—The commission shall not act as a board of arbitration during a strike or lockout.

Sec. 18. *Construction of act.*—(*a*) Whenever this act, or any part or section thereof, is interpreted by a court, it shall be liberally construed by such court.

(*b*) If any section, subsection, or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, subdivision, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

Sec. 19. *Application of act.*—The provisions of this act shall apply to and include women and minors employed in any occupation, trade or industry, and whose compensation for labor is measured by time, piece, or otherwise.

Chapter 333.—*Strikes, etc.—Notice in advertisements for labor*

Section 1. *Notice of labor disturbances to be given.*—If any person, firm, or corporation, acting either for himself, or itself, or as the agent of another person, firm, or corporation, during the continuance of a strike, lockout, or other labor trouble among his, or its employees, or among the employees of the person, firm, or corporation, for whom he, or it is acting, advertises for employees in the newspapers, or by posters, or otherwise, or solicits persons to work for him, or the persons, firm, or corporation, for whom he is acting, in the place of the strikers, he shall plainly and explicitly mention in such advertisements, or oral or written solicitations, that a strike, lockout or other labor disturbance exists: *Provided*, That the foregoing provisions shall not apply to advertisements or solicitations published solely or made within the same city or locality where the strike, lockout, or other labor disturbance exists.

Sec. 2. *Penalty.*—If any person, firm, association or corporation violates any provisions of this act, he or it shall be punished by a fine not less than twenty-five dollars and not exceeding two hundred and fifty dollars for each offense.

Chapter 368.—*Mine regulations—Telephones*

Sections 1, 2. *Requirement.*—[Mines more than 500 feet in depth must be equipped with telephones, with stations at each working level below that depth, communicating with the surface.]

ACTS OF 1915

CHAPTER 38.—*Protection of employees in their political rights*

SECTION 1. *Employers not to interfere.*—It shall be unlawful for any employer of labor to make, adopt or enforce any rule regulation or policy forbidding or preventing his employees, or any of them, from engaging or participating in politics or from becoming candidates or a candidate for public office, or controlling or directing, or tending to control or direct the political activities or affiliations of such employees or any of them; or to coerce or influence or attempt to coerce or influence such employees or any of them through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity. The expression "employer of labor" as herein used shall be deemed to mean and include any person, firm, or corporation regularly having in his or its employ twenty or more employees.

SEC. 2. *Violations.*—[Individual violators may be imprisoned not more than one year or fined not over $1,000, or both; corporations may be fined not more than $5,000, and are held responsible for the acts of managers and employees.]

SEC. 3. *Damages.*—Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his employer for injury suffered through a violation of this act.

CHAPTER 56.—*Employment of labor—Foremen, etc., accepting fees*

SECTION 1. *Accepting fees forbidden.*—Any manager, superintendent, foreman, or other person having authority from his employer to hire, employ or direct the services of other persons in such employment, who shall demand or receive any fee, gift, or other remuneration in consideration of hiring or employing any person to perform work or services for such employer, or permitting said person to continue in said employment, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three hundred dollars for each offense. All fines imposed and collected under the provisions of this act shall be paid into the State treasury and credited to the contingent fund of the bureau of labor statistics.

SEC. 2. *Enforcement.*—This act shall be enforced by the commissioner of the bureau of labor statistics.

SEC. 3. *Construction of act.*—Nothing contained in this act shall be construed to apply to employment agencies or employment agents licensed and operating under the laws of the State of California.

SEC. 4. *Act to be posted.*—Every employer as defined in section one hereof shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth verbatim the provisions of section one of this act.

This act was repealed by chapter 172, Acts of 1917, which was declared unconstitutional, presumably leaving the original act in force.

CHAPTER 65.—*Discharge of employees—Hearings on charges*

SECTION 1. *When hearing to be allowed.*—It shall be unlawful for any public service corporation, agent, superintendent or manager thereof, employing any special agent, detective, or person commonly known as "spotter" for the purpose of investigating, obtaining and reporting to the employer, its agent, superintendent or manager, information concerning its employees, to discipline or discharge any employee in its service, where such act of discipline or the discharge is based upon a report by such special agent, detective or spotter, which report involves a question of integrity, honesty or a breach of rules of the employer, unless such employer, its agent, superintendent or manager, shall give notice and accord a hearing to the employee thus accused, when requested by said employee, at which hearing said employer shall state specific charges on which said act or discharge is based and at which said accused employee shall have the right to furnish testimony in his defense.

SEC. 2. *Violations.*—[Violations are punishable by a fine of not less than $50 nor more than $300, or by imprisonment for not more than 1 year, or both. Imprisonment shall be imposed upon officers or agents of public service corporations committing offense.]

CHAPTER 91.—*Railroad commission—Equipment of public utilities—Accidents*

SECTION 13. *Safety provisions.*— * * *

(*b*) Every public utility shall furnish, provide and maintaiu such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, efficient, just and reasonable.

SEC. 42. *Rules.*—The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise, to require every public utility to construct, maintain and operate its line, plant, system, equipment, apparatus, tracks and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junctions and block or other systems of signaling, to establish uniform or other standards of construction and equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers or the public may demand.

SEC. 44. *Accidents.*—[The commission is to investigate all accidents on or connected with public utilities, causing loss of life or injury to person or property, if such investigation is, in its judgment, required, and may make such recommendations or orders in regard thereto as it may deem just aud reasouable. Reports of accidents must be made as the commission may require; but neither reports nor orders shall be used in any suit for damages.]

CHAPTER 188.—*Bribery of employees—Discounts to chauffeurs, etc.*

SECTION 31. *Bonus, etc., forbidden.*—No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take, directly or indirectly, without the written consent of such owner, any bonus, discount or other consideration for supplies or parts furnished or purchased for such motor vehicle, or on auy work or labor done thereon by others, or on the purchase of any motor vehicle for his employer, and no person furnishing such supplies or parts, work or labor, or selling any motor vehicle shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, directly or indirectly, without such owner's written consent, any bonus, discount, or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor.

CHAPTER 302.—*Free public employment offices*

SECTION 1. *Establishment.*—The commissioner of the bureau of labor statistics, hereinafter called "commissioner," shall establish free employment bureaus in the cities of San Francisco, Los Angeles, Oakland and Sacramento, and thereafter, whenever he deems it necessary, in other cities and towns.

SEC. 2. *Offices; rules, etc.*—The commissioner shall procure, by lease or otherwise, suitable offices; incur the necessary expenses in the conduct thereof; appoint the necessary officers, assistants and clerks, and fix the compensation therefor; and promulgate rules and regulations for the conduct of free employment bureaus in order to carry out the purposes of this act.

SEC. 3. *Appropriation.*—There is hereby appropriated out of the moneys of the State treasury, not otherwise appropriated, the sum of fifty thousand dollars, to be used by the commissioner in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commissioner, for the amouuts expended under his direction, and the treasurer is hereby authorized aud directed to pay the same.

CHAPTER 417.—*Employment of aliens in public service*

SECTION 1 (as amended 1921, ch. 366). *Restrictions.*—No person except a native-born or naturalized citizen of the United States shall be employed in any department of the State, county, city and county or city government in this State; provided, however, that the prohibitions of this act shall not apply (*a*) to the employment as a member of the faculty or teaching force in public

schools of this State nor in schools supported in whole or in part by the State of any person who has declared his intention to become a citizen of the United States, nor of any native-born woman of the United States who has married a foreigner; (*b*) to any member of the faculty or teaching force of any college or university supported in whole or in part by the State; (*c*) to any specialist or expert temporarily employed by any department of the State or any county, city and county, or city, and engaged in special investigation; (*d*) in an emergency when it is necessary to protect life, health or property against fire, flood or other calamity arising from natural causes.

SEC. 2. *Appointments, etc.*—It shall be unlawful for any person, whether elected, appointed or commissioned to fill any office in either the State, county, city and county or city government of this State, or in any department thereof, to appoint or employ any person to perform any duties whatsoever, unless such person so appointed or employed be a native-born or naturalized citizen of the United States, subject nevertheless, to the exceptions contained in section one of this act.

SEC. 3. *Payment of wages, etc.*—No money shall be paid out of the State treasury or out of the treasury of any county, or city and county or city, to any person employed in any of the offices mentioned in section two of this act unless such person shall be a native-born or naturalized citizen of the United States, subject to the exceptions contained in section one of this act.

SEC. 4. *Definition.*—As used in this act the term "person who has declared his intention to become a citizen" shall not include any person who fails to secure his certificate of naturalization within six months after the time that he is entitled by law to secure the same.

SEC. 5. *Prior payments.*—No action shall be authorized or maintained for the recovery of money heretofore paid to any member of the faculty or teaching force of any public school of this State, or any school, college or university supported in whole or in part by the State, and all payments so made are hereby approved and declared valid.

CHAPTER 484.—*Commissioner of labor—Enforcement of laws*

SECTION 1. *Power of commissioner.*—The commissioner of the bureau of labor statistics shall have authority and power to enforce any and all labor laws of the State of California, the enforcement of which is not specifically vested in any other officer, board or commission, and the deputies and agents of the said labor commissioner shall have the power, and authority of sheriffs and other peace officers to make arrests, and to serve any process or notice throughout the State in the enforcement of such labor laws, pursuant to the instructions of said commissioner.

CHAPTER 485.—*Employees to be supplied with drinking water*

SECTION 1. *Duty of employers.*—Every employer of labor in this State shall, without making a charge therefor, provide fresh and pure drinking water to his employees during working hours. Access to such drinking water shall be permitted at reasonable and convenient times and places.

Any violation of the provisions of this act shall be deemed a misdemeanor and punishable for each offense by a fine of not less than twenty-five dollars ($25), not more than one hundred dollars ($100), or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

CHAPTER 494.—*Railroads—Transmission of orders*

SECTION 1. *Who may not transmit orders.*—It shall be unlawful for any person, firm or corporation operating a railroad with more than four trains each way every twenty-four hours, to require or permit any engineer, fireman, conductor, brakeman or trainman to receive, deliver or transmit at any receiving or forwarding instrument of any telegraph or telephone line, any order for the movement of any train, except in such cases or classes of cases as may be permitted by the railroad commission: *Provided, however,* That the foregoing provisions shall not apply to interurban or street railroads. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

CHAPTER 657.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Wages payable, when.*—All wages or compensation of employees in private employments shall be due and payable semimonthly, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and payable not later than the fifteenth day of the month following the one in which such wages were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month, shall be due and payable not later than the last day of the same month. The words "private employments" used in this act shall mean and include all employments other than those mentioned in section six hereof and those under the direct management, supervision and control of the State of California, any county, city and county, incorporated city or town, or other municipal corporation or political subdivision of the State of California, or any officer or department thereof. But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semimonthly.

SEC. 2. *Notices to be posted.*—Every employer shall establish and maintain regular pay days as herein provided, and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by the employees as they go to and from the work, setting forth the regular pay days as herein prescribed.

SEC. 3. *Payment in money, etc.*—The payment of wages or compensation of employees in the employments defined herein, shall be made in lawful money of the United States or by a good and valid negotiable check or draft, payable on presentation thereof at some bank or other established place of business, located in this State, without discount in lawful money of the United States, and not otherwise.

SEC. 4. *Absent employees.*—In case an employee in any said employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided, he shall be paid the wages or compensation within five days after making a demand therefor.

SEC. 5. *Refusal to pay.*—Every person, or any agent of any person, copartnership, association or corporation, who, having the ability to pay, shall willfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure, for himself or any other person, any discount upon such indebtedness, or with intent to annoy, or harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is due, shall be guilty of a misdemeanor.

SEC. 6. *Exemptions.*—This act shall not apply to employers and employees engaged in farm, dairy, agricultural, viticultural or horticultural pursuits, in stock or poultry raising, in household domestic service, or to employers having less than six employees regularly employed.

SEC. 7. *Enforcement.*—The commissioner of the bureau of labor statistics shall enforce the provisions of this act.

CHAPTER 667.—*Employers' hospital funds—Administration, etc.*

SECTION 1. *Definitions.*—The following terms, as used in this act, shall be construed as follows:

(*a*) The term "employer" shall mean and include every person, partnership, company, association, joint stock association or corporation engaged in any business or enterprise in this State and hiring or employing five or more persons in such business.

(*b*) The term "charge" shall mean and include any deduction from the salary or wage of an employee, or any collection from or contribution by an employee, whether such charge be made regularly at stated intervals or at the time of injury or illness of an employee, or at any other time or in any other manner.

SEC. 2. *Who to make reports.*—Every employer who affords or provides hospital service of any sort for his employees, for which service any charge is received or collected by such employer, or at his instance or request, shall in each year, on or before the thirtieth day of January thereof, file as hereinafter provided a written report for the next last preceding year, which report shall contain a statement showing (1) the total amount of hospital charges collected or received during the year, (2) an itemized account of all expenditures, investments or other disposition of such charges, and (3) a state-

ment showing what balance, if any, remains. This report shall be verified by the employer, if an individual; by a member, if a partnership; by the secretary or president, if a corporation, company, association or joint stock association.

SEC. 3 (as amended 1917, ch. 73). *Charges.*—Every such hospital charge demanded, collected or received by an employer shall be just and reasonable. The railroad commission is hereby given authority to decide what is an unreasonable charge in all cases where such charge is made by a hospital maintained by a public utility, and in all cases where the charge is made by a hospital maintained by other than a common carrier by rail, the industrial accident commission is hereby given authority to decide what is an unreasonable charge.

SEC. 4. *Use of fees.*—No such hospital charge collected or received by an employer shall be devoted to any purpose other than a bona fide hospital or medical service for the employees from whom the charge is demanded, collected or received.

SEC. 5 (as amended 1917, ch. 73). *Supervision; posting.*—[The railroad commission and the industrial accident commission may inspect the books of the respective classes of hospitals, and enforce appropriate orders relative thereto. The statements or reports of the hospitals must be posted where employees can read the same, and must be filed with the proper commission.]

SEC. 6. *Violations.*—[Failure to render reports entails a fine of from $100 to $2,000.]

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CHAPTER 74.—*Factory, etc., regulations—Elevators*

SECTION 1 (as amended 1921, ch. 330). *Permits.*—[No elevator operated by power or by hand may be used in any place of employment without a permit of current validity, issued by the industrial accident commission; and if so operated and it appears that such operation is dangerous to life or safety, a restraining order to prevent its use may be secured.]

SEC. 2. *Exemptions.*—[Elevators under the jurisdiction of the United States, and those operated by employers who are not under the workmen's compensation act are not within the terms of this act.]

SEC. 3 (as amended 1921, ch. 330). *Inspection; orders.*—[Inspections of elevators under the act must be made at least once each year. If found safe a permit valid for the year will issue; otherwise orders for repairs may be made and discontinuance of use required until they are completed. If the condition is not immediately dangerous, a temporary permit may be granted, permitting use during repairs. Appeal may be taken to the courts, following hearings by the commission, if desired.]

SEC. 4 (as amended 1921, ch. 330). *Inspectors.*—[The inspections may be made by the safety inspectors of the commission, or by an elevator inspector of an insurance company or of a municipality; but all inspectors must hold certificates of competency from the commission, which may be rescinded for cause, after hearing.]

SEC. 5 (as amended 1921, ch. 330). *Fees.*—[A fee may be charged for inspection, not exceeding $3.50, which may be charged but once annually unless reinspection is necessary on account of failure to comply with orders of the commission, when one additional charge may be made. If insurance or municipal inspections are accepted, no fee will be charged. Fees go to the accident prevention fund.]

SEC. 6. *Reports by inspectors.*—[Certified inspectors must report to the commission on each inspection made, within 21 days thereafter; upon failure to do so, their certificates may be canceled.]

CHAPTER 108.—*Employees' bonds and photographs—Costs*

SECTION 1. *Employer to pay costs.*—Whenever a bond or photograph of an employee or applicant for employment is required by any employer of labor said employer shall pay the cost of such bond or photograph.

SEC. 2. *Violations.*—Any person violating any provision of this act shall be guilty of a misdemeanor, punishable by a fine not less than $25 nor exceeding $500.

SEC. 3. *Enforcement.*—The commissioner of the bureau of labor statistics of the State of California shall enforce the provisions of this act.

CHAPTER 141.—*Coercion of employees in trading*

SECTION 1. *Coercion unlawful.*—It shall be unlawful for any employer of labor, or any officer, agent or employee of any employer of labor to make, adopt or enforce any rule or regulation compelling or coercing any employee to patronize said employer, or any other person, firm or corporation, in the purchase of any thing of value: *Provided, however,* That nothing herein shall be interpreted as prohibiting any employer of labor from prescribing the weight, color, quality, texture, style, form and make of uniforms required to be worn by their employees.

SEC. 2. *Violations.*—[Violations are punishable by a fine not exceeding $100 or imprisonment not exceeding 6 months, or both.]

CHAPTER 201.—*Railroads—Safety of employees—Powers of industrial accident commission*

SECTION 1. *Railroad repair shops.*—The industrial accident commission of the State of California is hereby vested with jurisdiction, as provided in the workmen's compensation, insurance, and safety act of one thousand nine hundred seventeen, and acts amendatory thereof, subject to the provisions of section three hereof, over the safety of employees of steam railroads employed in shops devoted to the construction or repair of railroad equipment; the safety of employees of electric interurban or street railroads, employed in the generation, transmission or distribution of electric energy, or in shops devoted to the repair of railroad equipment, or in any nonpublic utility operation of such railroads; and the safety of employees of all other public utilities as such utilities are defined in the public utilities act.

SEC. 2. *Jurisdiction of railroad commission.*—The jurisdiction vested in the industrial accident commission of the State of California by section one hereof shall in no instance, except those affecting exclusively the safety of employees, be construed to impair, diminish or in any way affect the jurisdiction of the railroad commission of the State of California over the construction, reconstruction, replacement, maintenance, or operation of the properties of public utilities as defined in the public utilities act, or over any matter affecting the relationship between such public utilities and their customers or the general public.

SEC. 3. *Orders may be modified.*—If the industrial accident commission, in the exercise of the authority and jurisdiction conferred by this act, makes or issues any order, decision, ruling or direction, which in the judgment of the railroad commission, unduly and prejudicially interferes with the construction or operation of any public utility affected thereby, or with the public, or with a consumer or other patron of a public utility affected thereby, the railroad commission, of its own motion, or upon application of any utility or person so affected, may suspend, modify, alter or annul such order, decision, ruling or direction of the industrial accident commission, and the action of the railroad commission in that regard shall supersede and control the order, decision, ruling or direction of the industrial accident commission previously made in the premises.

CHAPTER 586.—*Employment of labor—Provisions for safety*

SECTION 33 (as amended 1923, ch. 90). *Definitions.*—(1) The phrase "place of employment" shall mean and include any and every place, whether indoors or out or underground, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any enterprise, project, industry, trade, work, or business is carried on, or where any process or operation directly or indirectly related to any enterprise, project, industry, trade, work, or business, is carried on, including all excavation, demolition, and construction work, and where any person is employed by another, or suffered or permitted to work for hire but shall not include any place where persons are employed solely in household domestic service or any place of employment, concerning the safety of which jurisdiction may have been vested by law heretofore or hereafter in any other State commission or officer, or any offices or department of the Federal Government.

(2) The term "employment" shall mean and include any trade, work, enterprise, project, business, occupation, or process of manufacture, or any method of carrying on such trade, work, enterprise, project, business, occupation, or process of manufacture, including all excavation, demolition and con-

struction work, in which any person may be engaged except where persons are employed solely in household domestic service.

(3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative, or other person having direction, management, control, or custody of any employment, place of employment or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, to engage in any employment, or to go to work or be at any time in any place of employment.

(5) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

(6) The term "general order" shall mean and include such order, made under the safety provisions of this act, as applies generally throughout the State to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city, or any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction.

(8) The terms "safe" and "safety" as applied to an employment or a place of employment shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

(9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger.

SEC. 34. *Employer to furnish safe employment.*—Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 35. *Safeguards.*—No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees, and no such employer shall occupy or maintain any place of employment that is not safe.

SEC. 36. *Construction.*—No employer, owner or lessee of any real property in this State shall construct or cause to be constructed any place of employment that is not safe.

SEC. 37 (as amended 1919, ch. 471). *Removing guards.*—No employee or other person shall remove, displace, damage, destroy or carry off any safety device, safeguard, notice or warning, furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment, or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 38. *Jurisdiction of commission.*—The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

SEC. 39. *Powers.*—The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules or regulations, or otherwise:

(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may reasonably demand.

(5) To declare and prescribe the general form of industrial injury reports, the injuries to be reported and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the commission from requiring supplemental injury reports.

SEC. 40. *Safety orders.*—Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section thirty-nine hereof, the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city and county of San Francisco, and also in one or more daily newspapers of general circulation published and circulated in the county of Los Angeles, such newspapers to be designated by the commission for that purpose. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

SEC. 41. *Order as to unsafe employment.*—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employment or place of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employment and place of employment and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

SEC. 42. *Extension of time.*—The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

SEC. 43. *Summary investigation.*—Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto, anything in this act to the contrary notwithstanding.

SEC. 44. *Obedience to orders.*—Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule or regulation.

SEC. 45. *Review by courts.*—The orders of the commission, general or special, its rules or regulations, findings and decisions, made and entered under the safety provisions of this act, may be reviewed by the courts specified in sections sixty-seven and sixty-eight of this act and within the time and in the manner therein specified and not otherwise.

SEC. 46. *Jurisdiction of public corporations.*—Nothing contained in this act shall be construed to deprive the board of supervisors of any county, or city and county, the board of trustees of any city, or any other public corporation or board or department, of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the commission shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the county, city and county, or city to which it may apply, establish a minimum requirement concerning the matters covered by such order and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the commission.

SEC. 46½ (added 1919, ch. 471). *Use of unsafe machinery.*—If the condition of any employment or place of employment or the operation of any machine, device or apparatus shall constitute a serious menace of the lives or safety of persons about it, the commission, or a commissioner, may apply to the superior court of the county in which such place of employment, machine, device or apparatus is situated, for an injunction restraining the use or operation thereof until such condition shall be corrected. The said application accompanied by affidavit showing that such place of employment, machine, device or apparatus is being operated in violation of a general or special safety order of the commission, and that such use or operation constitutes a menace to the life or safety of any person or persons employed thereabout, accompanied by a copy of the order or orders applicable thereto shall constitute a sufficient prima facie showing to warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the commission as a prerequisite to the granting of any restraining order. When in the opinion of the industrial accident commission a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the commission, and a notice to that effect shall be attached thereto. Such notice shall not be removed except by an authorized representative of the commission, nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

SEC. 47. *Safety museums.*—The commission shall have further power and authority:

(1) To establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of the life and safety of employees, and to publish and distribute bulletins on any phase of this general subject.

(2) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

(3) To appoint advisers who shall, without compensation, assist the commission in establishing standards of safety and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

SEC. 48. *Safety orders as evidence.*—Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in sections sixty-four to sixty-eight, inclusive, of this act and not then finally determined.

SECS. 49, 50. *Violations.*—[Violations of sections 34–37 are misdemeanors. Failure to comply with an order is prima facie evidence of a violation, and each violation is a separate offense; and if continued, each day is so considered.]

SEC. 51. *Accident prevention fund.*—All fines imposed and collected under prosecutions for violations of the provisions of sections thirty to fifty-four of this act shall be paid into the State treasury to the credit of the "accident prevention fund," which fund is hereby created. In addition to other sources of income of said accident prevention fund, the State compensation insurance fund shall pay into the said accident prevention fund, on or before the first

Monday in July, 1918, and annually thereafter, the sum of two per cent upon the amount of the gross premiums received by it upon its business done in this State during the preceding calendar year, less return premiums and reinsurance in companies or associations authorized to do business in this State, which payment is intended to be the equivalent of the taxes imposed upon private insurance companies by the laws of this State relating to revenue and taxation. The State compensation insurance fund shall also pay into the said accident prevention fund interest from September 1, 1917, at the rate of four per cent per annum, payable quarterly, upon the sum of one hundred thousand dollars heretofore advanced by the State to said State compensation insurance fund as long as the said fund shall retain the said sum of one hundred thousand dollars. The commission is authorized to draw from said accident prevention fund toward the support of its department of safety. The commission shall submit from time to time to the State board of control an estimate of the amount it desires to withdraw from the accident prevention fund, and when such estimate shall be approved by the State board of control, the controller is directed to draw his warrant on said fund in favor of said commission for such amount, and the treasurer is authorized and directed to pay the same. The commission shall account to the State board of control and to the State controller for all moneys so received, furnishing proper vouchers therefor. The said accident prevention fund shall be a revolving fund.

SEC. 52. *Divulging information.*—It shall be unlawful for any member of the commission, or for any officer or employee of the commission, to divulge to any person not connected with the administration of this act any confidential information obtained from any person, concerning the failure of any other person to keep any place of employment safe, or concerning the violation of any order, rule, or regulation issued by the commission. Any member of the commission or any officer or employee of the commission divulging such confidential information shall be guilty of a misdemeanor.

SEC. 53 (as amended 1919, ch. 471). *Reports of injuries.*—(*a*) Every employer of labor, without any exceptions, and every insurance carrier, and every physician or surgeon who attends any injured employee, is hereby required to file with the commission, under such rules and regulations as the commission may from time to time make, a full and complete report of every injury to an employee arising out of or in the course of his employment and resulting in loss of life or injury to such person: *Provided*, That such report shall not be required unless disability resulting from such injury lasts through the day of the injury or requires medical service other than ordinary first-aid treatment. Where the injury results in death a report shall be made by the employer to the commission by telephone or telegraph forthwith. Such reports shall be furnished to the commission in such form and such detail as the commission shall from time to time prescribe, and shall make specific answers to all questions required by the commission under its rules and regulations. It shall be unlawful for any person, firm, corporation, agent, or officer of a firm or corporation, to fail or refuse to comply with any of the provisions of this section, and any such person, firm, corporation, agent or officer of a firm or corporation, who fails or refuses to comply with the provisions of this section shall be guilty of a misdemeanor for each and every offense and upon conviction thereof shall be punishable by a fine of not less than ten dollars nor more than one hundred dollars. Any such employer or insurance carrier who shall furnish such report shall be exempt from furnishing any similar report or reports authorized or required under the laws of this State.

(*b*) Every employer or insurance carrier receiving from the commission any blanks with directions to fill out the same shall cause the same to be properly filled out so as to answer fully and correctly each question propounded therein; in case he is unable to answer any such questions a good and sufficient reason shall be given for such failure.

(*c*) No information furnished to the commission by an employer or an insurance carrier shall be open to public inspection or made public except on order of the commission, or by a commissioner or referee in the course of a proceeding. Any officer or employee of the commission who, in violation of the provisions of this subsection, divulges any such information shall be guilty of a misdemeanor.

SEC. 54 (as amended 1919, ch. 471). *Investigation.*—(*a*) The commission shall investigate the cause of all industrial injuries occurring within the State in any employment or place of employment, or directly or indirectly arising from or connected with the maintenance or operation of such employment or place

of employment, resulting in disability or death and requiring, in the judgment of the commission, such investigation; and the commission shall have the power to make such orders or recommendations with respect to such injuries as may be just and reasonable; *Provided*, That neither the order nor the recommendation of the commission shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

(*b*) For the purpose of making any investigation which the commission is authorized to make under the provisions of this section, or for the purpose of collecting statistics or examining the provision made for the safety of employees, any member of the commission, or other person designated by the commission for that purpose, may enter any place of employment; and in the performance of such duties shall have the power to subpoena witnesses, administer oaths and take testimony.

(*c*) Any employer, insurance carrier, responsible agent or employee of such employer or insurance carrier, or any other person who shall violate or omit to comply with any of the provisions of this section, or who shall in any way obstruct or hamper the commission, any commissioner or other person conducting any investigation authorized to be undertaken or made by the commission, shall be guilty of a misdemeanor.

CHAPTER 747.—*Employment of labor—Service letters*

SECTION 1. *Letter to be furnished.*—Every public utility corporation shall, upon request therefor made to it by any employee thereof leaving its service, give to such employee a letter covering and stating the period during which such service was and kind of service rendered to such corporation by such employee.

SEC. 2. *Violations.*—Every public utility corporation violating the provisions of this act shall, for each offense, suffer a fine of not less than $25, nor more than $100; which fine shall be collected by the district attorney of the county in which such corporation has its principal place of business.

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CHAPTER 202.—*Times of payment of wages*

SECTION 1. *Termination of employment.*—Whenever an employer discharges an employee, the wages or compensation for labor or service earned and unpaid at the time of such discharge shall become due and payable immediately. Whenever an employee not having a written contract for a definite period quits or resigns his employment, the wages or compensation shall become due and payable not later than seventy-two hours thereafter, unless such employee shall have given seventy-two hours' previous notice of his intention to quit, in which latter case such employee shall be entitled to his wages or compensation at the time of quitting.

SEC. 2. *Semimonthly pay day.*—All wages or compensation other than those mentioned in section one of this act earned by any person in any employment not exempt by section eleven of this act, shall become due and payable semimonthly or twice during each calendar month, on days to be designated in advance by the employer as the regular pay days: *Provided, however*, That services rendered between the first and fifteenth days, inclusive, of any calendar month shall be paid for between the sixteenth and the twenty-sixth day of the month during which services were rendered, and for all services rendered between the sixteenth and the last day, inclusive, of any calendar month, said services shall be paid for between the first and tenth day of the following month: *Provided, however*, That in agricultural, viticultural, and horticultural pursuits, in stock or poultry raising, and in household domestic service, and when the employees in the said employments are boarded and lodged by the employer, the wages or compensation due any employee remaining in such employment shall become due and payable monthly or once each calendar month, on a day designated in advance by the employer as the regular pay day, but no two successive such pay days to be more than thirty-one days apart, and the payment or settlement shall include all amounts due for labor or service up to the regular pay day.

SEC. 3. *Scope of act.*—The wages or compensation subject to the provisions of this act shall include all amounts for labor or service performed by employees of every description, whether the amount is fixed or ascertained by the

standard of time, task, piece, or other method of calculating the same, or whether the labor or service is performed under contract, subcontract, partnership, subpartnership, station plan, or other agreement for the performance of labor or service: *Provided*, That the labor or service to be paid for is performed personally by the person demanding payment. Nothing contained in this act shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals, or in greater amounts or in full when or before due.

SEC. 4. *Act to be posted.*—Every employer shall post and keep posted conspicuously at the place of work, if practicable, or otherwise where it can be seen as employees come or go to their place of work, or at the office or nearest agency for payment kept by the employer, a notice specifying the regular pay days and the time and place of payment, also any changes in those regards occurring from time to time. Every employee who is discharged shall be paid at the place of discharge, and every employee who quits or resigns shall be paid at the office or agency of the employer in the county or city and county where such employee has been performing the labor or service for the employer. All payments of money or compensation shall be made in the manner provided by law. In the happening of any strike, the unpaid wages or compensation earned by such striking employees shall become due and payable on the employer's next regular pay day, and the payment or settlement shall include all amounts due such striking employees without abatement or reduction, and the employer shall return to each such striking employee any deposit or money or other guaranty required by him from such employee for the faithful performance of the duties of the employment. Any violation of the provisions of this section shall be punishable as for a misdemeanor, and any failure to post any notice as in this section prescribed shall be deemed prima facie evidence of a violation of this act.

SEC. 5. *Wages accrue, when.*—In the event that an employer shall willfully fail to pay, without abatement or reduction, any wages or compensation of any employee who is discharged or who resigns or quits, as in section one of this act provided, then as a penalty for such nonpayment the wages or compensation of such employees shall continue from the due date thereof at the same rate until paid, or until an action therefor shall be commenced: *Provided*, That in no case shall such wages continue for more than thirty days: *And provided further*, That no such employee who secrets or absents himself to avoid payment to him, or who refuses to receive the payment when fully tendered to him, including any penalty then accrued under the provisions of this section, shall be entitled to any benefit under this act for such time as he so avoids payment.

SEC. 6. *Violations.*—Any person, firm, association, or corporation, or agent, manager, superintendent, or officer thereof, who, having the ability to pay, shall willfully refuse to pay the wages due and payable when demanded, as herein provided, or falsely deny the amount or validity thereof, or that the same is due, with intent to secure for himself, his employer, or other person, any discount upon such indebtedness, or with intent to annoy, harass, or oppress, or hinder, or delay, or defraud the person to whom such indebtedness is due, shall, in addition to any other penalty imposed upon him by this act, be guilty of a misdemeanor.

SEC. 7. *Enforcement.*—It shall be the duty of the commissioner of the bureau of labor statistics to inquire diligently for any violations of this act and to institute actions for penalties herein provided, and to enforce generally the provisions of this act.

SEC. 8. *Prosecutions.*—Nothing herein contained shall be construed to limit the authority of the district attorney of any county or city and county to prosecute actions, both civil and criminal, for such violations of this act as may come to his knowledge, or to enforce the provisions hereof independently and without specific direction of the commissioner of the bureau of labor statistics.

SEC. 10. *Public employees.*—Nothing in this act shall apply to the payment of wages or compensation of employees directly employed by any county, city and county, incorporated city or town, or other municipal corporation. Nor shall anything herein apply to employees directly employed by the State, any department, bureau, office, board, commission, or institution thereof. All other employments shall for the purposes of this act be deemed private employments and subject to the provisions hereof.

CHAPTER 259.—*Employment of children—General provisions*

SECTION 1. *Age.*—[Employment under 16 is forbidden in mercantile, manufacturing and mechanical establishments, workshops, offices, laundries, places of amusement, restaurants, hotels, apartment houses, in messenger or delivery service, or in any other work at any time except as provided herein or in No. 3574, General Laws, or in ch. 506, Acts of 1919. Work for a manufacturing establishment includes work done indirectly or through contractors.]

SEC. 2. *Work time.*—[Except as provided in sections 3, 3½, and 5, 8 hours per day and 48 per week is the limit for children under 18; nor may they work between 10 p. m. and 5 a. m.]

SEC. 3. *Messenger, etc., service.*—[Girls under 18 and boys under 16 may not be employed in messenger or delivery service in towns of over 15,000 population; nor may a boy under 18 be so employed between 9 p. m. and 6 a. m.]

SEC. 3½. *Street trades.*—[No boy under 10 or girl under 18 may be employed in any street trade or occupation in cities of 23,000 population or over.]

SEC. 4. *Dangerous occupations.*—[Minors under 16 may not be employed in specified dangerous occupations. For a similar list see secs. 3145, 3148, Delaware Code. The list may be extended by the bureau of labor statistics, on determination, after hearing.]

SEC. 5. *Exemptions.*—[This act does not limit the hours of labor of children in agricultural or domestic labor, nor forbid their employment in such labor during vacation or outside school hours. The curing and drying of fruit are exempt, but not the canning. Theatrical employments of children 15 to 18 years of age are permitted, to 12 o'clock midnight, if the written consent of the commissioner of labor is first obtained.]

SEC. 6. *Registers.*—[Registers must be kept of all minors employed under the age of 18, and a schedule of their work time posted in the rooms where employed, all to be open to official inspection. Permits to work must be returned to the issuing authority within 5 days after the minor quits employment. Semiannual reports of permits issued must be made to the bureau of labor and board of education.]

SEC. 7. *Violations.*—[Fines, $50 to $200, or imprisonment not over 60 days, or both, are penalties prescribed for violations.]

SEC. 8. *Enforcement.*—[The bureau of labor statistics is charged with the enforcement of this act. Attendance and probation officers may also enter places of employment in its enforcement.]

CHAPTER 421.—*Employment agencies—Trade schools*

SECTIONS 1, 2. *Classed as agencies.*—[Persons, corporations, etc., conducting trade schools or classes and placing their students in employment for wages, and receiving pay for such placement services, are subject to the laws and regulations governing private employment agencies; but this does not apply to public or parochial schools or charitable institutions, or to private schools teaching business subjects.]

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CHAPTER 34.—*Stock for employees, etc., of corporations*

SECTION 5. *Authorization.*—[The stockholders of any corporation may provide for the issue of stock, under restrictions determined by them, as additional compensation or for sale to employees and persons actively engaged in the conduct of the business. This may be an original or an increased issue, may be paid for as determined, and may entitle to vote or not. The act does not interfere with any issue or sale of stock to employees or others.]

CHAPTER 115.—*Seats for employees in elevators*

SECTION 1. *Seats required.*—All elevators used for the carriage of passengers shall be provided with a suitable seat for the operator in charge of the same. Failure to comply with this act shall be deemed a misdemeanor and punishable by a fine not exceeding twenty-five dollars for each offense.

CHAPTER 244.—*Sanitation of foundries, etc.*

SECTION 1. *Who to act; provisions.*—The owner, employer, or manager of every foundry or metal shop engaged in the casting, fabricating, or working over in any manner, of iron, brass, steel, or other metal or compound, and where five or more men are employed, shall establish and maintain, for the use of the employees, washbowls, sinks, or other appliances, connected with running water, and also a water-closet connected with running water. The room where the washbowls are installed, and the water-closet shall be kept properly ventilated and protected, so far as may be reasonably practicable, from the dust and fumes of the foundry or metal shop.

SEC. 2. *Violations.*—Whoever fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars for each offense.

CHAPTER 245.—*Collection of wages—Public defender*

SECTION 1. *Office created.*—[The board of supervisors approving, a public defender may be elected, who must have at least one year's experience in all the courts of the State.]

SEC. 5. *Duties.*— * * * He shall also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed one hundred dollars, and in which, in the judgment of the public defender, the claims urged are valid and enforceable in the courts.

CHAPTER 246.—*Unemployment—Extension of public works*

SECTION 1. *Board of control.*—It shall be the duty of the board of control to ascertain and secure from the various departments, bureaus, boards, and commissions of this State tentative plans for such extension of the public works of the State as shall be best adapted to supply increased opportunities for advantageous public labor during periods of temporary unemployment; together with estimates of the amount, character, and duration of said employment, the number of employees who could be profitably used therein, together with rates of wages and such other information as the board of control shall deem necessary.

SEC. 2. *Cooperating agencies.*—It shall be the duty of the bureau of labor statistics in cooperation with the immigration and housing commission and the industrial welfare commission, to keep constantly advised of industrial conditions throughout the State as affecting the employment of labor; and whenever it shall be represented to the said bureau by the Governor of the State, or the said bureau shall otherwise have reasons to believe, that a period of extraordinary unemployment caused by industrial depression exists in the State, it shall be the duty of the said bureau to immediately hold an inquiry into the facts relating thereto and to find and report to the governor of the State of California whether, in fact, such condition does exist.

SEC. 3. *Board to act, when.*—In the event that the bureau of labor statistics shall report to the governor that a condition of extraordinary unemployment caused by industrial depression does in fact exist within this State, the said board of control is hereby authorized to make such disposition and distribution of the available emergency fund among the said several departments, bureaus, boards, and commissions of the State, for such extension of the public works of the State under the charge or direction thereof, including the purchase of materials and supplies necessary therefor, as shall, in the judgment and discretion of the said board of control be best adapted to advance the public interest by providing the maximum of public employment, in relief of the existing conditions of extraordinary unemployment consistent with the most useful, permanent, and economic extension of the works aforesaid.

SEC. 4. *Who to be employed.*—It shall be the duty of the commissioner of the bureau of labor statistics, immediately upon the publication, under this act, of a finding that a period of extraordinary unemployment due to industrial depression exists throughout the State, to cause to be prepared by the appropriate departments of his bureau approved lists of applicants for public employment and to secure from such applicants, or otherwise, full information as to their industrial qualifications and to submit the same to the board

of control for transmission to such departments, bureaus, boards, and commissions as shall avail themselves of the provisions of this act: *Provided, however*, That preference for employment under this act shall be extended first to citizens of California; second to citizens of other States within the United States who are within the State of California at the time of making their application; and last to aliens who are within the State at the time of making application.

CHAPTER 396.—*Railroads—Provisions for accidents—First aid*

SECTION 1. *Package.*—Every steam railroad company, or the receiver or receivers of any steam railroad, operating trains, in whole or in part, within the State of California, shall provide a package containing the articles hereinafter stated, on each steam train or light steam engine, for first aid to persons who may be injured in the course of the operation of such train or trains.

SEC. 2. *Contents.*—Every such package shall include the following and such other articles and equipment as may in the judgment and discretion of the management of the steam railroad or the medical department thereof be useful for the intended purpose:

A standard package to contain two (2) pieces of sterile gauze, one (1) ribbon bandage, one (1) triangular cambric picture bandage in aseptic container, six (6) of these packages to make up one (1) first-aid kit which shall contain written instructions for the use of such contents.

SEC. 3. *Report of use.*—The employee of the steam railroad in charge of the steam train or steam engine shall report to the office designated by the company whenever any such kit has been opened for use.

SEC. 4. *Violations.*—Any steam railroad company, or the receiver or receivers, or employee of a steam railroad company, who shall fail to comply with the provisions of this act shall be liable to a penalty of not less than five nor more than twenty-five dollars, and each day's violation shall constitute a separate offense: *Provided, however*, That the steam railroad company, or receiver or receivers, shall be allowed not to exceed three days without penalty to replace any package or packages after the use of same has been reported by the employees in charge of said steam train or steam engine.

CHAPTER 897.—*Sanitary provisions for employees in moving-picture theaters*

SECTIONS 1, 2. *Toilets, etc.*—[This act requires toilet facilities, with running water if available, otherwise a dry closet, for the convenience of operators in theaters and moving-picture houses.]

CHAPTER 903.—*Employment of women—Moving boxes, etc.*

SECTION 1. *Pulleys, etc., when.*—Boxes, baskets, or other receptacles which with their contents weigh seventy-five pounds or over and which are to be moved by female employees in any mill, workshop, packing, canning, or mercantile establishment shall be equipped with pulleys, casters, or other contrivances connected with or upon which such boxes or other receptacles are placed so that they can be moved easily from place to place in such establishments.

SEC. 2. *Limit of weight.*—No female employee shall be requested or permitted to lift any box, basket, bundle, or other receptacle or container which with its contents weighs seventy-five pounds or over. Whoever violates the provision of this act shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding fifty dollars for every day during which there shall be a failure to equip or provide such boxes, baskets, or other receptacle with some one of the appliances specified in section one of this act.

COLORADO

CONSTITUTION

ARTICLE 5.—*Hours of labor in mines, smelters, etc.*

SECTION 25a. *Limit of eight hours per day.*—The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life, or limb.

ARTIELE 15.—*Liability of employers for injuries to employees—Waivers*

SECTION 15. *Contracts waiving right to damages.*—It shall be unlawful for any person, company or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

ARTICLE 16.—*Mine regulations*

SECTION 2. *Provisions prescribed.*—The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein; and shall prohibit the employment in the mines of children under twelve years of age.

COMPILED LAWS—1921

Protection of employees on street railways

SECTION 2843. *Platforms to be inclosed.*—It shall be unlawful for any person, partnership or corporation owning or operating any street railway or the cars thereupon, in this State, or for any officer or agent thereof superintending or having charge or control of the line of railway or the cars thereupon, whether the motive power of such car is electricity, steam, by cable or otherwise, which require the constant service, or care or attention of any person or persons on any part of such car, except the rear platform, to require or permit such service, attention or care of any of its employees, or any other person or persons, unless such person, partnership or corporation, or superintending officer and managing agents thereof, first provide the said car with a proper and sufficient inclosure constructed of wood, iron, and glass, or similar suitable materials sufficient to protect such employee or other person from exposure to the rain, snow, cold, or other inclemencies of the weather.

SEC. 2844. *Act construed.*—Where there is a trailing car or cars being drawn by a head car upon which the propelling or drawing power is situated and used and where no person is required to remain constantly at one point either for the purpose of keeping the lookout or for the purpose of operating any apparatus or machinery upon such trailing car or cars; this act shall not be construed to apply to any car except the head one; nor shall it be construed to mean that the inclosure for the motorman or for the employee managing or operating any apparatus or machinery of a car at any point shall have his view obstructed, but the said inclosure or vestibuling shall be constructed in a manner so as to permit a front and side view from the position which it is necessary for the person to occupy while he is in the performance of his duties.

SEC. 2845. *Penalty.*—For each day that any car is permitted to be operated contrary to the provisions of this act, it shall be deemed to be a separate offense, and any person, partnership or corporation, or the superintending officers or managing agents thereof, operating any such line of street railway or the cars thereupon, who shall violate any of the provisions thereof, upon being convicted, in any court of competent jurisdiction, shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty ($50) dollars, nor more than one hundred ($100) dollars or imprisonment in the county jail not to exceed thirty (30) days for each and every offense.

Railroads—Reports, etc., of accidents

SECTION 2969. *Accidents to persons.*—[All accidents causing bodily injury or loss of life on any railroad in the State, or on its ground or yards, must be immediately reported to the public utilities commission. An investigation may be made, at the option of the commission, on notice to the company; and the commission may make and enforce such rules as will, in its judgment, tend to prevent accidents in the operation of the road.]

Mine regulations—Metal mines

SECTIONS 3382–3396, 3397 (as amended 1923, ch. 145). *Bureau of mines; inspectors.*—[A bureau of mines is created, with a qualified commissioner appointed by the governor, for a term of four years, at a salary of $3,000 per annum, with $1,600 for traveling expenses. The commissioner shall, with the consent of the governor, appoint an inspector for each of the four inspection districts into which the State is by law divided, the inspectors to receive $2,500 per annum, with $1,800 for travel. Officers are maintained at the capital and in each district. Conditions of efficiency and safety and the adoption of proper methods of workings, systems of signals, etc., are within the scope of the inspector's duties; deputy inspectors may also be appointed.

Access to mines and plants must be allowed the commissioner and the inspectors, and an annual report, setting forth the work of the bureau, with statistical information, is directed.

Defective conditions in mines must be remedied, as ordered, and injunctions will lie to prevent operation until orders are complied with.]

SECS. 3401–3432. *Safety regulations.*—[A code of regulations for mines other than coal contains provision as to the storage of oil, hoisting, blasting, signals, fire protection, shafts, gates, etc.]

Mine regulations—Coal mines

SECTIONS 3439–3475. *Inspectors.*—[A chief inspector of coal mines and six deputies are provided for, whose qualifications are to be determined by a board of examiners comprising two miners, a mine owner or official, a mining engineer, and the chief inspector. Persons passing the examination are eligible to appointment as chief or deputy inspectors at any time within five years. Tests of experience and theoretical and practical knowledge are required. The salary of the chief inspector is $4,400, and of deputies $2,500 per annum, the latter advancing $100 per year until $3,000 is reached; traveling expenses are allowed both.

Inspectors are not to be interested in mines, and may be removed for cause, after hearing.]

SECS. 3476–3479. *Mine foremen, etc.*—[The board of examiners shall also conduct examinations for mine examiners, mine foremen, assistant mine foremen, and fire bosses, and issue certificates to those who qualify. Shot firers are examined by the chief inspector or a deputy. Certificates must be posted, and may be revoked for failure or unfitness of the holder to perform his duties.]

SECS. 3480, 3481. *Inspections.*—[Mines must be inspected every 90 days, and dangerous conditions remedied, or the mines may be ordered closed. Appeals lie to the district court.]

SECS. 3482–3613. *Provisions for safety.*—[Regulations as to the duties of mine foremen, ventilation, outlets, timbering, travel-ways, shelter holes, blasting, safety lamps, signals, fire bosses, hoisting, rescue crews, first aid, maps, oils, electric installations, telephones, etc., are prescribed.

No male under 16 years of age, and no female, may be employed in or about coal mines or coke ovens except in a clerical capacity in an office.

Where coal is mined by weight, suitable scales, etc., must be provided, and the miners may, if a majority desire, employ a checkweighman, to be paid by them.

All fatal accidents are to be reported to the chief inspector and to the coroner of the county, who must hold an inquest thereon. Employers must make monthly reports of employees, time worked, output, ventilation, accidents, etc.; also annual reports.]

Antitrust law—Labor organizations exempt

SECTION 4036. *Labor not a commodity.*— * * * Labor, whether skilled or unskilled, is not a commodity within the meaning of this act.

SEC. 4150. *Workingmen may combine.*—It shall not be unlawful for any two or more persons to unite, or combine, or agree in any manner, to advise or encourage, by peaceable means, any person or persons to enter into any combination in relation to entering into or remaining in the employment of any person, persons or corporation, or in relation to the amount of wages or compensation to be paid for labor, or for the purpose of regulating the hours of labor, or for the procuring of fair and just treatment from employees [employers], or for the purpose of aiding and protecting their welfare and interests in any other manner not in violation of the constitution of this State or the laws made in pursuance thereof; *Provided*, That this act shall not be so construed as to permit two or more persons, by threats of either bodily or financial injury, or by any display of force, to prevent or intimidate any other person from continuing in such employment as he may see fit, or to boycott or intimidate any employer of labor.

Employment of labor—Notice of labor disputes

SECTION 4156. *False representations.*—It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, themselves, his, its or their agents or attorneys, to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amonnt and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike or lockout pending between employer and employees, or failure to state in any advertisement, proposal, or contract for the employment that there is a strike, lockout, or other labor troubles at the place of the proposed employment, when in fact such strike, lockout or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.

SEC. 4157. *Violations.*—[Violations are punishable by a fine not exceeding $2,000, or by imprisonment in the county jail not exceeding one year, or both.]

SEC. 4158. *Hiring armed guards.*—Any person or persons who shall hire, aid, abet or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind other persons or property in this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose, without a permit in writing from the governor of this State, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years: *Provided*, That nothing contained in this act shall be construed to interfere with the right of any person, persons, or company, corporation, society, association, or organization in guarding or protecting their private property or private interests, as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising, or deceptive representations, or brought into this State under arms, or removed from one place to another in this State, under arms.

SEC. 4159. *Right to damages.*—Any workman of this State, or any workman of another State who has or shall be influenced, induced, or persuaded, to engage with any persons mentioned in section 1 of this act, through or by means of any of the things therein prohibited, each of such workmen shall

have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies, or associations, directly or indirectly, causing such damages; and, in addition to all actual damages such workmen may have sustained, they shall be entitled to recover such reasonable attorney's fees as the court shall fix, to be taxed as costs in any judgment recovered.

Boycotting, blacklisting, etc.

SECTION 4162. *Picketing unlawful.*—It shall be unlawful for any person or persons to loiter about or patrol the streets, alleys, roads, highways, trails, or place of business of any person, firm, or corporation engaged in any lawful business, for the purpose of influencing or inducing others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm, or corporation, or to ticket [picket] the works, mine, building, or other place of business, or occupation of such other person, persons, firm, or corporation, for the purpose of obstructing or interfering with or injuring any lawful business, work, or enterprise: *Provided*, That nothing herein shall prevent any person from soliciting trade, custom, or business for a competitive business.

SEC. 4163. *Boycotting.*—It shall be unlawful to print or circulate any notice of boycott, boycott card, sticker, banner, sign, or dodger, publishing or declaring that a boycott or ban exists, or has existed or is contemplated against any person, persons, firm, or corporation doing a lawful business, or publish the name of any judicial officer or other public officer upon any notice of boycott, boycott card, sticker, banner, sign, or other similar list, because of any lawful act or decision of such official.

SEC. 4164. *Intimidation.*—It shall be unlawful to use force, threats, or other means of intimidation to prevent any person from engaging in any lawful occupation at any place he or she sees fit.

SEC. 4165. *Blacklisting.*—It shall be unlawful for any employer to maintain a black list, or to notify any other employer that any workman has been blacklisted by such employer, for the purpose of preventing such workman from receiving employment: *Provided, however*, That nothing herein shall prevent a former employer of any workman or any former employee from imparting a fair and unbiased opinion of a workman's or employee's qualifications when solicited so to do by a later or prospective employer of such workman, or employee; nor shall anything in this act be construed to prevent any merchant or professional man, or any association of the same, from maintaining or publishing a list concerning the credit or financial responsibility of any person or persons dealing with him or them on credit.

SEC. 4166. *Violations.*—[Violations are punishable by a fine of not less than $10 nor more than $250, or by imprisonment not exceeding 60 days, or both.]

Liability of employers for injuries to employees

SECTION 4167. *Acts of fellow servants.*—Every corporation or company which or individual who may employ agents, servants or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, servant or employee resulting from the carelessness, omission of duty or negligence of such employer, or which may have resulted from the carelessness, omission of duty or negligence of any other agent, servant or employee of the said employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

SEC. 4168. *Injuries causing death.*—Whenever the death of a person shall be caused by an act of carelessness, omission of duty or negligence as provided in the preceding section, then, and in every such case, the corporation or company which, or individual who, would have been liable, if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the party injured, and in every such case the jury may give such damages as they deem fair and just, not exceeding the sum of five thousand dollars, with reference to the necessary injury resulting from such death, to the party or parties who may be entitled to sue hereunder.

SEC. 4169. *Who may sue.*—Every such action shall in case of death be maintained:

First—By the husband or wife of the deceased; or

Second—If there be no husband or wife, or if he or she fails to sue within one year after such death, then by the children of the deceased or their descendants, or

Third—If such deceased be a minor or unmarried, without issue, then by the father or mother, or by both jointly; or

Fourth—If there be no such person entitled to sue, then by such other next of kin of the deceased as may be dependent upon deceased for support.

Every such action, in case of death, may be maintained by any such person entitled to sue, for the use and benefit of the other or others so entitled to sue, as well as for the plaintiff so suing, and the verdict of the jury and the judgment of the court shall, in such case, specify the amount of damages awarded to each such person, and if any such actions be separately brought, the same be consolidated with the action so first commenced in the court that shall have jurisdiction of said actions, when so consolidated.

SEC. 4170. *Limitations.*—All actions provided for by this act shall be brought within two years from the time of the accident causing the injury, if death does not ensue, or within two years from the time of death, in case of injury resulting in death. The amount of compensation recoverable under this act in case of personal injury resulting solely from the negligence of a coemployee shall not exceed the sum of five thousand dollars.

SEC. 4171. *Negligence of employer.*—Whenever any agent, servant, or employee while in the performance of his duty for his employer, shall be injured or killed in the employer's service on account of the employer's negligence, or on account of any defect or peril connected with ways, works, machinery or instrumentalities used in the business of the employer, which could have been remedied or made more safe by the use of ordinary diligence, a recovery for such injury or death may be had, and the fact that such employee had knowledge of the defect or peril, shall not be a bar to a recovery, unless the repairing or remedying of such defect or peril was his principal duty. All stipulations, contracts or agreements between an employee and his employer or between other persons, contrary to the provisions hereof shall be null and void.

Hours of labor in mines, smelters, etc.—Eight-hour day

SECTION 4172. *Injurious employments.*—Employment in all underground mines, underground workings, open cut workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens, is hereby declared to be injurious to health and dangerous to life and limb.

SEC. 4173. *Limit of eight hours per day.*—The period of employment of men working in all underground mines, underground workings, open cut workings, open pit workings, smelters, reduction works, stamp mills, concentrating mills, chlorination processes, cyanide processes and coke ovens shall not exceed eight (8) hours within any twenty-four (24) hours except in cases of emergency where life or property is in imminent danger.

SEC. 4174. *Violations.*—[Violations are punishable by a fine of not less than $250 nor more than $500, or by imprisonment for not less than 90 days nor more than 6 months, or by both; each day's continued violation constituting a separate offense.]

Hours of labor on public works

SECTION 4175. *Limit of eight hours per day.*—In all work hereafter undertaken in behalf of the State or any county, township, school district, municipality or incorporated town, it shall be unlawful for any board, officer, agent or any contractor or subcontractor thereof to employ any mechanic, workingman or laborer in the prosecution of any such work for more than eight hours a day.

SEC. 4176. *Emergency cases.*—Nothing in section one of this act shall be construed so as to prevent work in excess of eight hours a day in emergency cases: *Provided*, That hours in excess of eight a day shall be treated as constituting part of a subsequent day's work: *And provided*, That in no one week of seven days shall there be permitted more than forty-eight hours of labor. Any violation hereof shall be unlawful.

SEC. 4177. *Violation.*—[Failure to comply with sections one and two is punishable by fine of not less than $100 nor more than $500, or imprisonment not exceeding 100 days, or both.]

Employment of women—Hours of labor

SECTION 4183. *Injurious employment.*—Employment of females in any and all manufacturing, mechanical and mercantile establishments, laundries, hotels, and restaurants, is hereby declared to be injurious to health and dangerous to life and limb.

SEC. 4184. *Limit of 8 hours per day.*—No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant in this State more than eight (8) hours during any twenty-four (24) hours of any one calendar day. The hours of work may be so arranged as to permit the employment of females at any time: *Provided*, That any such female shall not work more than eight (8) hours during the twenty-four (24) hours of any one calendar day.

SEC. 4185. *Violations.*—[Violations are punishable by a fine of not less than $50 nor more than $500 or imprisonment not less than 30 days nor more than 6 months, or both. Each day's violation constitutes a separate offense.]

Protection of employees on buildings

SECTION 4186. *Unsafe scaffolding, etc.*—A person employing or directing another to perform labor of any kind in the erection, repairing, altering, or painting of a house, building, or structure shall not furnish or erect for the performance of such labor, scaffolding, hoists, stays, ladders, or other mechanical contrivances which are unsafe, unsuitable, or improper, and which are not so constructed, placed, and operated as to give proper protection to life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended, from an overhead support, more than twenty feet from the ground or floor, shall have a safety rail of wood, properly bolted, secured, and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 4187. *Inspection by building inspector.*—Whenever complaint is made to the building inspector of any town or city wherein work is being done as aforesaid, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning or pointing of buildings within the limits of such city are unsafe or liable to prove dangerous to the life or limb of any person, said building inspector shall immediately cause an inspection to be made of such scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such scaffolding or any of such parts is found to be dangerous to life or limb, said building inspector shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. The building inspector making the examination shall attach a certificate to the scaffolding, or the slings, hangers, irons, ropes or other parts thereof, examined by him, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declares it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn him against the use thereof. Such notice may be served personally upon the person responsible for its erection, or by affixing it conspicuously to the scaffolding, or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall immediately remove such scaffolding or part thereof or alter or strengthen it in such manner as to render it safe, in the discretion of the officer who has examined it. The building inspector, whose duty it is to examine or test any scaffolding or part thereof, as required by this section, shall have free access, at all reasonable hours, to any building or premises containing them or where they may be in use. All swinging or station[ary] scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use, and not more than four men shall be allowed on any swinging scaffolding at one time.

SEC. 4188. *Flooring to be laid during construction.*—All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers of beams below that on which the iron work is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material, all contractors for carpenter work in the course of construction, shall lay the underflooring thereof on each story as the bulding progresses, to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor not less than two stories below the story where the work is being performed. If the floor beams are of iron or steel, the contractor for the iron or steel work of building in course of construction, or the owners of such building, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides, which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening. If a building in course of construction is five stories or more in height, no lumber or timber needed for such construction shall be hoisted or lifted on the outside of such building.

SEC. 4189. *Duties of building inspector.*—The said building inspector shall enforce all the provisions of this article. He shall investigate complaints made to him of violations of such provisions, and if he finds that such complaints are well founded, he shall issue an order directed to the person or corporation complained of, requiring such person or corporation to comply with such provisions. If such order is disregarded, the said building inspector shall present to the district attorney of the proper county all the facts ascertained by him in regard to the alleged violation, and all other papers, documents or evidence pertaining thereto, which he may have in his possession. The district attorney to whom such presentation is made, shall proceed at once to prosecute the person or corporation for the violations complained of.

SEC. 4190. *Penalty.*—Any person, corporation, company or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in the sum of not less than fifty ($50) dollars nor more than five hundred ($500) dollars for each and every offense.

Employment of labor—Age not ground for discharge

SECTION 4191. *Discharge for age prohibited.*—No person, persons, firm, association or corporation, carrying on or conducting, within this State, any business requiring the employment of labor, shall discharge any individual between the ages of eighteen and sixty years, solely and only upon the ground of age: *Provided, however,* That such individual is well versed in the line of business carried on by such person, persons, firm, association or corporation, and is qualified physically, mentally and by training and experience, to satisfactorily perform, and does satisfactorily perform the labor assigned to him, or for which he applies.

SEC. 4192. *Violations.*—[Violations are punishable by a fine of not less than $100 nor more than $250 for each offense.]

Seats for female employees

SECTION 4193. *Seats to be provided.*—Every person, corporation or company employing females in any manufacturing, mechanical or mercantile establishments in this State, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

SEC. 4194. *Penalty.*—Any person, corporation or company violating any of the provisions of this act, shall be punished by fine of not less than ten dollars nor more than thirty dollars for each offense.

Bureau of labor statistics

SECTION 4195. *Bureau established.*—There is hereby established a separate and distinct bureau to be known as the bureau of labor statistics of the State of Colorado, which bureau shall be charged with the collection of statistics pertaining to the internal resources of the State, labor and agriculture. The secretary of state shall be designated the ex officio commissioner of said bureau. He shall appoint a deputy * * *, who shall hold his office for the term of two years. He shall be an elector of this State well versed in the collection of statistics and matters relating thereto. The deputy labor commissioner shall, within twenty days after receiving his commission, and before entering upon the duties of his office, give bonds to the State of Colorado in the sum of five thousand ($5,000) dollars to be approved by the attorney general. Said deputy labor commissioner shall receive an annual salary of twenty-five hundred ($2,500) dollars, payable as other State officers. The said deputy labor commissioner shall, upon entering upon his duties, recommend and the secretary of state appoint one statistician who shall hold his office for the term of two years and who shall be an elector of the State; he shall receive an annual salary of fifteen hundred ($1,500) dollars payable as other State officers. Said deputy labor commissioner shall, upon entering upon the duties of his office, recommend and the secretary of state appoint one stenographer who shall receive an annual salary of twelve hundred ($1,200) dollars, payable as other State officers.

SEC. 4196. *Duties.*—The duties of the commissioner shall be to collect, systematize, and present in biennial reports to the legislature, statistical details relating to all departments of labor in the State, such as the hours and wages of labor, cost of living, amount of labor required, estimated number of persons depending on daily labor for their support, the estimated number of persons employed by the several industries within the State, the operation of labor-saving machinery in its relation to hand labor, etc. Said statistics may be classified as follows:

First—In agriculture.

Second—In mining.

Third—In mechanical and manufacturing industries.

Fourth—In transportation.

Fifth—In clerical and other skilled and unskilled labor not above mentioned.

Sixth—The amount of cash capital invested in lands, in buildings and machinery, severally, and means of production and distribution generally.

Seventh—The number, age, sex, and condition of persons employed; the nature of their employment; the extent to which the apprenticeship system prevails in the various skilled industries; the numbers of hours of labor per day; the average length of time employed per annum, and the net wages received in each of the industries and employments within the State.

Eighth—The number and condition of the unemployed, their age, sex and nationality, together with the cause of their idleness.

Ninth—The sanitary condition of lands, workshops, dwellings; the number and size of rooms occupied by the workers, etc.; the cost of fuel, rent, food, clothing and water in each locality of the State; also the extent to which labor-saving processes are employed to the displacement of hand labor.

Tenth—The number and condition of the Chinese in the State; their social and sanitary habits; number of married and single; the number employed and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amount expended by them in rent, food and clothing, and in what proportion such amounts are expended for foreign and home productions respectively; to what extent their labor comes in competition with the other industrial classes of the State.

Eleventh—The number, condition, and nature of the employment of the inmates of the State prison, county jails and reformatory institutions, and to what extent their employment comes in competition with the labor of mechanics, artisans, and laborers outside of these institutions.

Twelfth—All such other information in relation to labor as the commissioner may deem essential to further the objects sought to be attained by this statute.

Thirteen—A description of the different kinds of labor organizations in existence in the State, and what they accomplish in favor of the class for which they were organized.

SEC. 4197. *Duties of officers and employers.*—It shall be the duty of all State, county, and precinct officers, every owner, operator, or manager of every factory, workshop, mill, mine, or mercantile establishment doing business in the State of Colorado where labor is employed to make to the bureau upon blanks furnished by said bureau such reports and returns as the commissioner or his deputies may require for the purpose of compiling all statistics as are authorized by the law creating the department of the bureau of labor statistics, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the deputy commissioner of labor, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential and not for the purpose of disclosing personal affairs. Any refusal on the part of any State, county, precinct, municipal officers, or the owners, operators, or managers of any factory, workshop, mill, mine, or mercantile establishment to make returns to the deputy commissioner of labor or his deputy shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ($50) dollars nor more than one hundred ($100) dollars, or by imprisonment not less than ten days nor more than thirty days in the county jail, or by both such fine and imprisonment at the discretion of the court.

SEC. 4198. *Hindering commissioner.*—Any person who willfully impedes or obstructs the commissioner in the full and free performance of his duties, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten ($10) nor more than fifty ($50) dollars, or imprisonment not less than seven (7) nor more than thirty (30) days in the county jail, or both.

SEC. 4199. *Office hours.*—The office of the bureau shall be open for business from nine o'clock a. m. until five o'clock p. m. every day, except nonjudicial days, and the officers thereof shall give to all persons requesting it, all needed information which they may possess.

SEC. 4200. *Powers of deputy commissioner.*—The deputy commissioner shall have power to send for persons whenever in his opinion it is necessary and he may examine witnesses under oath, being hereby authorized to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of said deputy commissioner.

It shall also be the duty of the deputy labor commissioner to cause to be enforced all laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives and limbs of all operators in factories, mills, mines, workshops, offices, bakeries, laundries, stores, hotels, railroads, or any public or private works where labor is employed or machinery used; and all laws enacted for the protection of wage-workers.

SEC. 4201. *Office.*—The secretary of state shall provide a suitable office for said commissioner properly furnished.

SEC. 4203. *Quarterly bulletins.*—The commissioner of the bureau of labor statistics of the State of Colorado, is hereby authorized by the provisions of this act to compile and issue every three months in each calendar year a four page bulletin containing statistics pertaining to labor or industries of the State, so that the public may have the benefit of immediate information on such subject as is contained in the bulletin.

SEC. 4204. *Free distribution.*—Not more than three thousand copies of said bulletin shall be issued quarterly and distributed free to the public, and the printing of said bulletins shall be paid for in the same manner and from the same fund as State officers' reports. * * *

Employment of labor—Fraud

SECTION 4205. *False pretenses.*—Any person who shall knowingly and designedly, by any false pretense or pretenses, obtain the labor or services of another shall de deemed a swindler and upon conviction shall, where the labor or services obtained is over the value of twenty dollars, be imprisoned in the State penitentiary not to exceed ten years; and where the labor and services obtained is of the value of twenty dollars or less, be fined in any sum not exceeding one thousand dollars or imprisoned in the county jail not to exceed six

months; or by both, in the discretion of the court; and in all cases where the value of the labor or services obtained is twenty dollars or less, justices of the peace shall have jurisdiction of violations of this act.

SEC. 4206. *Enforcement.*—The commissioner of labor statistics of the State of Colorado shall cooperate with the district attorneys, sheriff, and all peace officers of the State in the enforcement of this act.

Employment of children—General provisions

SECTION 4208. *Age; hours; employment.*—[Children under 14 years of age may not be employed for wages in any place of amusement, mercantile institution, office, hotel, laundry, manufacturing establishment, workshop; nor as messengers or drivers therefor; nor as elevator operators; nor at any work for wages during school term; nor between 8 p. m. and 7 a. m.; nor more than 8 hours per day. The occupations forbidden are declared injurious or dangerous to life, health or limb. Work on farms and in orchards, etc., is not forbidden, but if for others than parents a permit must be obtained.]

SEC. 4209. *Unlawful employments.*—[Children under 16 years of age may not be employed in places used for illegal, obscene, or immoral purposes, or in any exhibition or vocation injurious to morals or health, or dangerous to life or limb.]

SEC. 4210. *Dangerous occupations.*—[The employment of children under 16 years of age in a specified list of dangerous occupations is forbidden. For a similar list, see Delaware Code, secs. 3145, 3148. Females under 16 may not be employed where they are required to stand constantly, nor may females under 10 be employed in any street trade.]

SECS. 4211–4217. *Employment certificates.*—[Permits must be obtained and registers kept of children 14 to 16 years of age employed in the establishments, etc., named in section 4208. Age and schooling certificates are issued by the superintendent of schools or a person authorized by him. The child must be able to read and write, or be in attendance at night school, if the employment is during the school term.]

SEC. 4218. *Inspection.*—[Factory inspectors must visit the establishments, etc., named, in which children are employed, to ascertain whether the provisions of the law are complied with. If unlawful employment is reported in writing to the local school authorities, they must inform the State factory inspector thereof.]

SEC. 4219. *Work time.*—[Children under 16 years of age may not be employed in any gainful occupation for more than 8 hours per day nor 48 per week, nor after 8 p. m. Schedules of work time must be posted in each room where minors are employed.]

SECS. 4220, 4221. *Enforcement.*—[Presence of a child under 16 years of age in an establishment is prima facie evidence of employment. The State factory inspector is specially charged with the prosecution of violations of the law.]

SEC. 4222. [Relates to theatrical employments.]

SECS. 4224, 4225. *Violations.*—[Parents, etc., violating the law may be fined from $5 to $25, employers from $5 to $100, and for a second offense $100 to $500, or imprisoned not over 90 days, or both.]

Payment of wages—Modes and times

SECTION 4226. *Semimonthly pay days.*—All private and quasi-public corporations doing business within this State shall pay to their employees the wages earned each and every fifteen (15) days in lawful money of the United States, or checks on banks, convertible into cash, on demand at full face value thereof.

SEC. 4227. *Failure to pay.*—Whenever any private or quasi-public corporation shall fail to pay any of its employees as provided in section 6981 [4226], then a penalty shall be attached to such corporation and become due to such employees as follows: A sum equivalent to a penalty of five per cent (5) of the wages due and not paid as herein provided as liquidated damages, and such penalty shall attach and suit may be brought in a court of competent jurisdiction to recover same and the wages due.

SEC. 4228. *Payment on discharge.*—Whenever any such employee is discharged from the employ of any such corporation then all the unpaid wages of such employee shall immediately become due and payable, and if any private or quasi-public corporation shall within three (3) days fail to pay any such discharged employee all the wages due and payable to such discharged employee,

then the same penalty of five per cent (5) shall attach to said corporation and become due to such employee as provided in section 6982 [4227]: *Provided, however,* Nothing in this section shall apply to any employee of any such corporation who quits of his own accord.

SEC. 4229. *Employee may recover penalty.*—Any employee or any assignee of any such employee may recover all such penalties that may, by violation of section 2 [4227] of this act, have accrued to him, at any time within six months succeeding such default, or delay, in the payment of such wages.

SEC. 4230. *What contracts void.*—Any contract or agreement made between any corporation and any private or quasi-public parties in its employ, the provisions of which shall be in violation, evasion or circumvention of this act (semi-monthly pay day act) shall be unlawful and void, but such employee may sue to recover his wages earned together with such five per cent (5%) penalty, or separately, to recover the penalty if the wages have been paid.

SEC. 4231. *Contractor.*—Whenever any private or quasi-public corporation shall contract any or all of its work to any contractor then it shall become the duty of any such corporation to provide that the employees of any such corporation or contractor shall be paid according to the provisions of this act, and such corporation shall become responsible and liable to the employees of such contractor in the same manner as if said employees were employed by such corporation.

SEC. 4232. *Attorney's fee.*—Whenever it shall become necessary for the employees to enter or maintain a suit at law for the recovery or collection of wages due as provided by this act, then such judgment shall include a reasonable attorney fee, in favor of the successful party, to be taxed as part of the costs in the case.

SEC. 4233. *Scope of act.*—It is herein provided that all private or quasi-public corporations heretofore or hereafter organized for pecuniary profit shall be subject to the provisions of this act.

SEC. 4234. *Truck system forbidden.*—It shall be unlawful for any person, company or corporation, or the agent or the business manager of any such person, company or corporation, doing business in this State, to use or employ, as a system, directly or indirectly, the "truck system" in the payment, in whole or in part of the wages of any employee or employees of any such person, company or corporation.

SEC. 4235. *Definition.*—The words "truck system" as used in the preceding section are defined to be:

First—Any agreement, method, means or understanding used or employed by an employer, directly or indirectly, to require his employee to waive the payment of his wages in lawful money of the United States, and to take the same, or any part thereof, in goods, wares or merchandise, belonging to the employer or any other person or corporation.

Second—Any condition in the contract of employment between employer and employee, direct or indirect or any understanding whatsoever, express or implied, that the wages of the employee, or any part thereof, shall be spent in any particular place or in any particular manner.

Third—Any requirement or understanding whatsoever by the employer with the employee that does not permit the employee to purchase the necessaries of life where and of whom he likes, without interference, coercion, let or hindrance.

Fourth—To charge the employee interest, discount or other thing whatsoever for money advanced on his wages, earned or to be earned, where the pay days of the employer are at unreasonable intervals of time.

Fifth—Any and all arrangements, means or methods, by which any person, company or corporation, shall issue any truck order, scrip, or other writing whatsoever, by means whereof the maker thereof may charge the amount thereof to the employer of laboring men so receiving such truck order, scrip or other writing, with the understanding that such employer shall charge the same to his employee and deduct the same from his wages.

SEC. 4236. *Truck orders, etc., void.*—Any truck order, scrip or other writing whatsoever, made, issued, or used in aid of or in furtherance of, or as a part of the "truck system" as defined in this act, evidencing any debt or obligation from any person, company or corporation for wages due or to become due to any employee or employees of any person, company or corporation, issued under a system whereby it is the intent and purpose to settle such wage debt or debts by any means or device other than in lawful money, shall be utterly void in the hands of any person, company or corporation with knowledge that

the same had been issued in pursuance of such system, and it shall be unlawful to have, hold or circulate the same with such knowledge.

SEC. 4237. *Violations.*—[Violations are punishable by a fine of not less than $100 nor more than $500, or by imprisonment for not less than 30 days nor more than 6 months.]

SEC. 4238. *Corporations forfeit charter.*—The violation of the provisions of any section of this act by any corporation organized and existing under the laws of this State shall be deemed sufficient cause for the forfeiture of the charter of any such corporation, and the attorney general of the State shall immediately commence proceedings in the proper court in the name of the people of the State of Colorado, against any such corporation for the forfeiture of its charter.

SEC. 4239. *Foreign corporations.*—Any foreign corporation doing business in this State that shall violate the provisions of any section of this act shall forfeit its right to do business in this State, and the attorney general of the State shall, upon such violation coming to his knowledge, by information or otherwise, institute proceedings in the proper court for the forfeiture of the right of any such corporation to do business in this State.

SEC. 4240. *When attorney general fails to prosecute.*—If the attorney general of the State should fail, neglect or refuse to commence such actions as are provided for in sections 5 [4230] and 6 [4231] of this act, after demand being made upon the attorney general to institute such proceedings by any responsible person, then any citizen of this State shall have the right to institute and maintain such proceedings, upon giving bond for costs of suit.

SEC. 4241. *District attorney.*—The district attorney of any county shall prosecute for any violation of this act in the same manner as he may be required by law to prosecute for the violation of other criminal acts, except as provided in sections 5 [4230] and 6 [4231] of this act.

SEC. 4242. *Act construed as to ditch companies, etc.*—The provisions of this act shall not be construed to prevent ditch, canal and reservoir companies from contracting or issuing orders or warrants payable at future dates in lawful money of the United States, for labor performed or services rendered for it or to contract for and pay for the same in the capital stock of such companies, or water rights or privileges for water connected with the same.

Wages as preferred claims—In receiverships

SECTIONS 4243–4245. *Priority.*—[All wages are preferred claims in case of the transfer of the business of an employer to a trustee or receiver, to be paid from funds or from the proceeds of the sale of the property. Employees wishing to enforce this right must file statements of their claims within prescribed periods. If funds are not sufficient to pay claims they shall be prorated, but prior mortgages for debts actually existing are not impaired.]

Minimum wages

SECTIONS 4262–4283. *Enactment.*—[The legislature of 1917 enacted a minimum wage law for women and children, authorizing the industrial commission of the State to make investigations and fix a wage that would supply the necessary cost of living and maintain the health of employed women, and avoid unreasonably low wages for minors. Standard conditions of labor and hours of employment were also within their power to determine. Wage boards, hearings, etc., were contemplated. No adequate appropriation was ever made for carrying out the provisions of the act, and while it has remained on the statute books, it has never been operative.]

Free public employment offices

SECTION 4284. *Agencies designated.*—Free employment offices are hereby created as follows: One in each city of not less than twenty-five thousand and two in each city containing a population of two hundred thousand or over and one in the city of Grand Junction, in Mesa County, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Colorado free employment offices.

SEC. 4285. *Superintendents.*—Within sixty days after this act shall have been in force, the secretary of state as commissioner of labor ex officio shall appoint a superintendent and assistant superintendent who shall act as clerk for each of the offices created by section 1 [4284] of this act, who shall devote their entire time to the duties of their respective offices. The tenure of such appointment shall be two years, unless sooner removed for cause. The salary of each superintendent shall be twelve hundred dollars ($1,200) per annum; the salary of each assistant superintendent shall be one thousand two hundred dollars ($1,200) per annum, together with the proper amounts for defraying the necessary cost of equipping and maintaining the respective offices.

SEC. 4286. *Offices.*—The superintendent of each such free employment office shall, within sixty days after appointment, open an office in such locality as shall have been agreed upon between such superintendent and deputy commissioner of the bureau of labor statistics as being most appropriate for the purpose intended, such office to be provided with a sufficient number of rooms and apartments to enable him to provide, and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each office in position and manner to secure the fullest public attention shall be placed a sign which shall read in the English language, "Colorado Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other language as the location of each such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired. Separate registers for applicants for employment shall be kept showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the bureau of labor statistics to be used by said bureau;

Provided, That no special registers shall be open to public inspection at any time, and that statistics and sociological data as the bureau of labor shall require shall be held in confidence by said bureau, and so published as not to reveal the identity of any one.

And, provided, further, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

SEC. 4287. *Weekly reports.*—Each superintendent shall report on Thursday of each week to the deputy commissioner of the said bureau of labor statistics the number of applications for positions and for help received during the preceding week and the number of positions secured; also those unfilled applications remaining on the books at the beginning of the week. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week the deputy commissioner of said bureau of labor statistics shall cause to be printed a sheet showing separately and in combination, the lists received from all such free employment offices.

SEC. 4288. *Advertising, etc.*—It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the cooperation of the said employers of labor for the purposes and objects of said employment offices. To this end it shall be competent for such superintendents to advertise in the columns of newspapers or other medium for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Colorado or not.

SEC. 4289. *Annual reports.*—It shall be the duty of each such superintendent to make report to the said bureau of labor statistics annually, not later than December 1 of each year, concerning the work of his office for the year, together with a statement of the expense of the same, including the charges of an interpreter when necessary, and such report shall be published by the said bureau of labor statistics with its biennial report. Each such superintendent shall also perform such other duties in the collection of statistics of labor as the deputy commissioner of the bureau of labor statistics may require.

SEC. 4290. *No fees to be charged.*—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices and any superintendent, assistant superintendent or clerk, who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars, or imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment at the discretion of the court.

SEC. 4291. *Definitions.*—The term "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional services and all other legitimate services.

SEC. 4292. *Receipts.*—All money or moneys received from fees and fines by the said deputy commissioner of labor shall constitute a fund for the purpose of enforcing the provisions of this act, and the said commissioner shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

SEC. 4293. *Maintenance.*—All printing, blanks, blank books, stationery, postage, and such other supplies as may be necessary for the proper conduct of the business of the offices herein created, shall be furnished by the secretary of state upon requisition for the same by the superintendents of the several offices.

SEC. 4294. *Same.*—All expenses attendant upon the conducting of the several offices herein named shall be paid by the State: *Provided*, Such expense shall not exceed the sum of two thousand (2,000) dollars in any one year; and the State auditor is hereby authorized to draw his warrant on the State treasurer for the same.

Private employment offices

SECTION 4295. *Licenses, register.*—[No private employment agency may be operated without a license, for which an annual fee of from $10 to $50 must be paid, according to the population of the locality. A penal bond to secure compliance with the law and protect patrons is also required, in the amount of $1,000.

Registers must be kept, giving the name and address of all applicants for employment and for help, the same to be open to official inspection at all reasonable hours.]

SEC. 4296. *Acts forbidden; fees.*—[Agencies are forbidden to send any female to any place of immoral resort or bad repute, or to publish false or fraudulent advertisements, or to make false entries in the registers kept.

Fees for filing applications for employment may not exceed $1 for laborers, domestic servants, etc., or $2 for professional positions. Receipts must be given in all cases. If no place is obtained within 5 days after registration, the fee must, on demand within 30 days, be returned in full.]

SEC. 4297. *Definition.*—[Private employment agencies include all persons, etc., offering by sign, advertisement, etc., to procure employment for another, whether any fee is charged or not; but charitable organizations are not included.]

SEC. 4298. *Fees and fines.*—[Fees and fines go to a fund to secure enforcement of this law, balance to State treasury.]

SEC. 4299. *Enforcement.*—[Violations are punishable by fines, $100 to $200, or imprisonment not over 6 months, or both. The deputy commissioner of labor is charged with the enforcement of the act.]

NOTE.—The foregoing sections 4295–4299, inclusive, were enacted in 1909, ch. 164. The concluding section repealed "all acts and parts of acts in conflict herewith." However, the commission that prepared the Compiled Laws of 1921 reproduced (secs. 4300–4312) an act of 1891 (pp. 188–192), which contained a requirement for a license from the city or town where the agency is located, fixing a fee of not over $100 per annum; also the fee to be charged, for males not over 5 per cent of one month's wages and board, and for females not over 3 per cent. Dividing fees is forbidden. Other provisions cover the same points as those of the act of 1909.

Inspection and regulation of factories, etc.

SECTION 4313. *Department of factory inspection.*—There is hereby established, a separate and distinct department to be known as the department of factory inspection of the State of Colorado, which department shall be charged with the inspection of all factories, mills, workshops, bakeries, laundries, stores, * * * boarding or bunk houses, or any kind of an establishment wherein laborers are employed, or machinery used, for the purpose of protecting said employees * * * against damages arising from imperfect or dangerous machinery, or hazardous and unhealthy occupation. * * *

The deputy labor commissioner of the State of Colorado shall be the chief factory inspector under this act; and said chief inspector within five days after the passage of this act, shall recommend, and the secretary of state shall appoint four deputy factory inspectors, one whom shall be a woman, and each of said deputy factory inspectors shall receive a salary of twelve hundred dollars ($1,200) per annum with necessary traveling expenses, but said expenses shall in no case exceed the sum of twelve hundred dollars ($1,200) per annum for each deputy factory inspector. * * *

Provided, That the deputy labor commissioner, being chief factory inspector, shall recommend and the secretary of state appoint a clerk with a salary of twelve hundred dollars ($1,200) per annum. *And be it provided*, That a stenographer shall be recommended by the deputy labor commissioner and the chief factory inspector, and appointed by the secretary of state, with a salary of twelve hundred dollars ($1,200) per annum; the said appointees shall receive their said salaries upon vouchers issued by the chief factory inspector and paid in the same manner as other State officers of the State of Colorado are paid; *And be it further provided*, That a fund not to exceed five hundred dollars ($500) per annum shall be appropriated in this bill for the purpose of paying for printing, stationery, postage, and such other supplies and equipment as are necessary in the office of the chief factory inspector; and to provide for any expenses through arbitration as provided in section 7 [4319] of this act.

SEC. 4314. *Guards for dangerous machinery.*—That any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed, or machinery used shall provide and maintain in use belt shifters or other mechanical contrivance for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-offs, gang edger and other saws, planers, cogs, gearings, beltings, shafting, coupling, set screws, line rollers, conveyors, manglers in laundries, and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill, or workshop are liable to come in contact while in the performance of their duties; and if any machinery, or any part thereof, is in a defective condition, and its operation would be extrahazardous because of such defect, or if any machinery is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately upon receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

SEC. 4315. *Ventilation.*—That any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used and manual labor is exercised by the way of trade for the purpose of gain within an enclosed room (private houses in which the employees live excepted) shall be provided in each workroom thereof with good sufficient ventilation and kept in a clean and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if any factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery used in any enclosed rooms thereof by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

SEC. 4316. *Hoistways, etc.*—The openings of all hoistways, hatchways, elevators and wellholes and stairways in factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed, or machinery used, shall be protected by good and sufficient trapdoors, hatches, fences, gates, or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same opened that the same may be used.

SEC. 4317. *Inspection.*—It shall be the duty of the chief factory inspector, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually, and from time to time, all factories, mills, workshops, bakeries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used or appliances therein contained to which the provisions of this act are applicable, and for the purpose of determining whether they do conform to such provisions and to granting or refusing certificates of approval, as hereinafter provided.

SEC. 4318. *Notice by employees.*—Any employee of any person, firm, corporation or association operating a factory, mill, workshop, bakery, laundry, store, hotel or any kind of an establishment wherein laborers are employed or machinery used shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works, or plants, on which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if such employer shall fail to remedy such defect then said employee may complain in writing to the chief factory inspector of any such alleged defect in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation, or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation, or association and with or about which said employee is working and upon receiving such complaint it shall be the duty of the chief factory inspector, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

SEC. 4319. *Certificates of inspection.*—Whenever upon any examination or reexamination of any factory, mill, workship bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed, or machinery used to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said chief factory inspector to the requirements of this act, he shall thereupon issue to the owner, lessee, or operator of any such storehouse, factory, mill, workshop, bakery, laundry, hotel, or any kind of an establishment wherein laborers are employed or machinery used a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said chief factory inspector at any time upon written notice to the person, firm, corporation, or association holding the same whenever in his opinion after reexamination, condition and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, bakeries, laundries, stores, hotels, or any kind of an establishment wherein laborers are employed or machinery used to which the provisions of this act are applicable. If, in the judgment of the said chief factory inspector, such factory, mill, workshop, bakery, laundry, store, hotel, or any kind of an establishment wherein laborers are employed or machinery is used does not conform to the requirements of this act he shall forthwith personally or by mail serve on the person, firm, corporation, or association operating or using such machinery or appliances or occupying such premises a written statement of the requirements of said chief factory inspector, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with within a period of thirty days after said written statement has been served as aforesaid the said chief factory inspector shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said chief factory inspector unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said chief factory inspector have been served upon him, appeal therefrom or from any part thereof to three arbitrators to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the chief factory inspector.

Such appeal shall be in writing, addressed to the chief factory inspector and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as a representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the chief factory inspector to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the arbitration, and the place, date, and time of meeting. These two arbitrators shall select the third within five days and within ten days thereafter, give a hearing on the matters of said appeal, and the finding of those arbitrators by a majority vote shall be reported to the chief factory inspector and to the applicant and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said chief factory inspector or any part thereof, said applicant shall within thirty days comply with the findings of said arbitrators, and thereupon said chief factory inspector shall issue a certificate as hereinbefore provided (in section 5 [4317] of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said chief factory inspector and any such person, firm, corporation, or association shall within thirty days after the finding of the board of arbitrators, comply with the requirements of the chief factory inspector, as amended by said arbitrators, if so amended as herein provided for, and thereupon said chief factory inspector shall forthwith issue to any such person, firm, corporation, or association, his certificate as provided for in section five [4317] of this act: *Provided*, That in case such arbitrators shall decide against such chief factory inspector, the cost of such arbitration shall be paid out of the funds for such purposes. In case the chief factory inspector is sustained in part by the arbitrators, the cost of the arbitration shall be divided equitably, in proportion to that decision, the appellant paying such share as the arbitrators may deem fair, the rest to be paid out of said fund.

SEC. 4320. *Provisions in case of fire.*—In all factories, mills, workshops, offices, bakeries, laundries, stores, hotels, or any other buildings in which people are employed at manual or other labor, proper and sufficient means of escape in case of fire shall be provided by more than one way of egress, and such means of escape shall at all times be kept free from any obstruction; in good repair and ready for use; and at night, or where lights are necessary in the daytime, a red light shall be provided with the words inscribed thereon "Fire escape." All doors leading into or to such factories, workshops, offices, bakeries, mills, laundries, stores, hotels, or other buildings in which people are employed at manual or other labor, shall be so constructed as to open outward when practicable, and shall not be locked, bolted or fastened during working hours as to prevent free egress. Proper and substantial handrails shall be provided on all stairways and in factories, hotels, mills and workshops and other buildings where people are employed at manual or other labor. And in all factories, laundries, mills and workshops in which females are employed the stairs regularly used by them shall be properly screened at the sides and bottom. *And be it further provided*, That hotels, boarding or bunk houses of more than one story shall have a hemp rope in each room of not less than three-quarters (¾) inch in thickness, the same to be firmly attached to wall in such manner that it may be thrown out of the window instantly to allow persons in case of fire, etc., to descend to the ground. The rope must have a knot tied in it at spaces of not more than eighteen (18) inches apart; the ropes to be placed in every room above the second floor: *Provided*, That any rope, ladder or device for the protection of guests may be used upon approval by the chief factory inspector.

SEC. 4321. *Fire escapes.*—[Buildings not supplied with means of escape from fire as required by the preceding section must, on notice by an inspector, be equipped with one or more fire escapes of prescribed type and dimensions, within 30 days from the receipt of the order.]

SEC. 4322. *Water-closets, etc.*—[Buildings in which four or more people are employed must furnish water-closets, etc., of reasonable access, separate for the sexes, properly equipped and cared for. If the employment is such as to make it desirable or necessary for employees to change their clothing, wholly or in part, separate dressing rooms shall be provided for women and girls whenever so required by the factory inspector. Occupants must make the changes ordered by a factory inspector, and may bring action against the owner of the building for an equitable adjustment of costs.]

SEC. 4323. *Damages.*—In all actions brought to recover damages for personal injuries or death caused by reason of the violation of any of the provisions of this act, it shall be sufficient for the plaintiff to prove in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establishment where such death, or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguards directly contributed to such death or injury.

Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural product or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Wherever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

SEC. 4324. *Powers of factory inspector.*—The chief factory inspector or any employee of the department of factory inspection shall have power to enter any factory, mill, workshop, office, bakery, laundry, store, hotel, or any public or private works where labor is employed or machinery used. Any person, persons, firm, copartnership, corporation, trust, trustee, their agent, or agents, who shall refuse to allow an inspector or employee of the said department to enter or who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than fifty ($50) dollars nor more than one hundred ($100) dollars or be imprisoned in the county jail not to exceed ninety (90) days for each and every offense.

Industrial commission—Law enforcement—Labor disputes

SECTION 4325. *Commission.*—The term "commission" when used in this act shall mean the "Industrial Commission of Colorado."

SEC. 4326. *Commissioner.*—The term "commissioner" when used in this act shall mean one of the members of the commission.

SEC. 4327. *Use of words.*—Unless the context otherwise requires, a word used in this act in the singular number shall also include the plural; and a word used in this act in the masculine gender shall also include the feminine.

SEC. 4328. *Construction of terms.*—The following terms as used in this act, shall be construed and have the following meaning, unless otherwise specifically defined in the context:

(*a*) The term "place of employment" shall mean and include every place whether indoors or outdoors or underground, and the premises, work places, works and plants appertaining thereto or used in connection therewith, where either temporarily or permanently and [any] industry, trade or business is carried on, or where any process or operation directly or indirectly relating to any industry, trade or business is carried on, or where any person is directly or indirectly employed by another for direct or indirect gain or profit, except as otherwise expressly provided in this act.

(*b*) The term "employment" shall mean and include any trade, occupation, job or position or process of manufacture or any method of carrying on any such trade, occupation, job or position, or process of manufacture in which any person may be engaged, except as otherwise expressly provided in this act.

(*c*) The term "employer" shall mean and include:

1. The State, and each county, city, town, irrigation and school district therein, and all public institutions and administrative boards thereof having four or more employees.

2. Every person, association of persons, firm and private corporation (including any public service corporation), manager, personal representative, assignee, trustee, and receiver, who has four (4) or more persons regularly

engaged in the same business or employment, (except as otherwise expressly provided in this act), in service under any contract of hire, expressed or implied.

3. This act is not intended to apply to employers of private domestic servants or farm and ranch labor; nor to employers who employ less than four employees regularly in the same business, or in or about the same place of employment.

(*d*) The term "employee" shall mean and include every person in the service of an "employer" as herein defined, under any contract of hire, express or implied, not including an elective official of the State, or of any county, city, town, irrigation, drainage, or school district thereof, and not including any officers or enlisted men of the national guard of the State of Colorado.

(*e*) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

(*f*) The term "general order" shall mean and include such order of the commission as applies generally throughout the State to all persons, employments, or places of employment, under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(*g*) The term "local order" shall mean and include any ordinance, order, rule or determination of any common council, board of aldermen, board of supervisors, board of trustees, or board of commissioners, of any county, town, city, or city and county operating under any general or special law of this State, or of the board of health of the State or any municipality therein, or any order or direction of any official of the State or municipality therein.

(*h*) The term "deputy" shall mean and include any person employed by the commission designated as such deputy by the commission, and who may be engaged in the performance of duties under the direction of the commission.

(*i*) The term "safe" or "safety" as applied to an employment or place of employment shall mean such freedom from danger to the life, health, and safety of employees and such reasonable means of notification, egress, and escape in case of catastrophe, as the nature of the employment will reasonably permit.

SEC. 4329. *Commission created.*—There is hereby created a board which shall be known as the "Industrial Commission of Colorado." Within thirty days after the passage of this act the governor, by and with the consent of the senate, shall appoint one member whose term of office shall expire March 1, 1917, a second member whose term of office shall expire March 1, 1919, and a third member whose term of office shall expire March 1, 1921. Upon the expiration of each appointment, the governor shall appoint members of the commission, by and with the advice and consent of the senate, for terms of six years each. Vacancies shall be filled in the same manner for unexpired terms. Not more than two of the commissioners shall be members of the same political party. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employers, and not more than one of said appointees shall be a person who, on account of his previous vocation, employment, or affiliations can be classed as a representative of employees.

Each member of the commission, before entering upon the duties of his office, shall take the oath prescribed by the constitution, and shall give good and sufficient bond running to the people of the State of Colorado, in the penal sum of ten thousand dollars, conditioned that he shall faithfully discharge the duties of his office and shall account for and pay over to the person entitled thereto such moneys as shall come into his possession; said bond shall be signed by a surety company duly authorized to do business in this State, or by two or more individuals as surety or sureties and shall be subject to approval by the governor and shall then be filed with the secretary of State. If surety company bonds shall be furnished, the premium therefor shall be paid by the State as other expenses of the commission are paid. In case of a vacancy, the remaining two members of the commission shall exercise all the powers and authority of the commission until such vacancy is filled. Each member of the commission shall receive an annual salary of four thousand dollars, and actual expenses necessarily incurred in the performance of his duties, which shall be in full for all services performed. The commissioners shall devote their entire time to the duties of their office.

A majority of said commissioners shall constitute a quorum to transact business and for the exercise of any of the powers or authority conferred by this act.

SEC. 4330. *Employees.*—The commission shall have power, with the approval of the governor subject to the provisions of the civil service laws of this State, to employ during its pleasure such deputies, experts, statisticians, accountants, actuaries, inspectors, clerks and other employees as it may deem necessary to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the commission. All employees, except experts and actuaries, shall have been for one year prior to such employment or appointment bona fide residents of the State of Colorado and, except experts and actuaries, shall, while in the employ of the commission, devote their entire time to their duties. All employees of the commission shall receive such compensation as may be fixed by the commission; such compensation to be paid monthly from funds appropriated for the use of the commission. All expenses incurred by the commisssion and its employees pursuant to the provisions of this act shall be paid from funds appropriated for its use, upon the approval of the commission: *Provided, however*, That the traveling expenses of any member or members of the commission, or of any employee or employees thereof, incurred while on business of the commission outside the State of Colorado, shall be paid in the manner aforesaid, but only when such expenses are, in advance, authorized to be incurred by the commission and by the State auditing board.

SEC. 4331. *Title; seal.*—The commission shall be known collectively as the "Industrial Commission of Colorado" and in that name may sue and be sued. It shall have a seal upon which shall be inscribed the words "Industrial Commission-Colorado-Seal." Its seal shall be affixed to all orders, awards, proceedings, and copies thereof and to such other instruments as the commission shall direct. All courts shall take judicial notice of said seal and any copy of any record or proceeding of the commission certified under said seal shall be received in all courts as evidence as if it were the original thereof.

SEC. 4332. *Office, supplies, etc.*—The commission shall keep its office at the capitol and shall be provided by the board of capitol managers or its successors with suitable rooms. The commission is authorized to procure all necessary office furniture, stationery, books, periodicals, maps, instruments, apparatus and appliances, and other necessary supplies and incur such other expenses as may be actual and necessary, and the same shall be paid for in the same manner as other expenses authorized by this act. The commission or a commissioner may hold sessions at any place other than the capitol when the convenience of the commission or the parties interested requires.

SEC. 4333. *Organization.*—Within thirty days after the passage of this act, the commission shall meet at the capitol and organize in the manner herein provided. It shall be the duty of the secretary to keep a full and correct record of all proceedings of the commission, to issue all necessary processes, writs, warrants, orders, awards, and notices and to perform all other duties as the commission may prescribe. He shall also have supervision of the collection of data, information concerning matters covered by the provisions of the act, and make such reports thereon as the commission may direct.

The sessions of the commission shall be open to the public and shall stand and be adjourned without further notice thereof on its record. All of the proceedings of the commission shall be shown on its record, which shall be a public record, and all voting shall be by the calling of each member's name by the secretary, and each member's vote shall be recorded on the proceedings as the same is cast.

SEC. 4334. *Rules.*—Subject to the provisions of this act, the commission may adopt its own rules of procedure and may change the same from time to time in its discretion.

SEC. 4335. *Duties and powers.*—It shall also be the duty of the commission, and it shall have the power, jurisdiction and authority:

(*a*) To appoint advisers, who shall, without compensation, assist the commission in the execution of its duties.

(*b*) To inquire into and supervise the enforcement, as far as respects relations between employer and employee, of the laws relating to child labor, laundries, stores, factory inspection, employment of females, employment offices and bureaus, mining, both coal and metalliferous, fire escapes and means of egress from places of employment and all other laws protecting the life, health and safety of employees in employments and places of employment.

(*c*) To investigate, ascertain, declare, and prescribe safety devices, safeguards, or other means or methods of protection best adapted to render safe the employees of every employment and place of employment, as may be required by law.

(*d*) To ascertain and fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws relative to the protection of the life, health, safety, and welfare of employees in employments and places of employment.

(*e*) To ascertain, fix, and order such reasonable standards, rules, or regulations as provided by law, for the construction, repair, and maintenance of places of employment, as shall render them safe.

(*f*) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode, and manner of investigations and hearings, and to alter and amend said rules from time to time in its discretion; such rules and regulations, amendments and alterations shall be effective ten days after same are adopted and posted upon the bulletin board in the office of said commission in the city of Denver, Colorado. A copy of such rules and regulations shall be mailed or delivered personally to any person making application therefor. The certificate of the secretary or any commissioner as to the posting of said notice shall be sufficient proof thereof in any case.

(*g*) To license and supervise private employment agencies; to supervise State free employment agencies; to do all in its power to bring together employers seeking employees, and working people seeking employment. It shall investigate the extent and causes of unemployment in the State of Colorado and the remedies therefor, and it shall devise and adopt the most efficient means within its power to avoid unemployment, and to prevent involuntary idleness.

(*h*) Any county, city, or town may enter into an agreement with the commission for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, or town to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon.

(*i*) To collect, collate, and publish statistical and other information relating to the work under its jurisdiction; annually, on or before the twentieth day of December, to make a full report to the governor covering its work during the year preceding the first day of said month of December; to make public reports in its judgement necessary.

(*j*) The commission shall cause to be printed, and, upon application, furnished, free of charge, to any employer or employee, such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act; it shall provide such proper record books or records as it shall deem required for the proper and efficient administration of this act, all such records to be kept in the office of the commission. It shall also cause to be printed in proper form for distribution to the public proper pamphlets showing its orders, regulations, and rules of procedure, and shall furnish the same to any person upon application therefor, and the fact that such orders, regulations, and rules of procedure are printed ready for distribution to all who apply for the same, shall be a sufficient publication of the same as required by this act.

(*k*) To administer and enforce all the provisions of law relating to compensation for accidental injury to and death of employees.

SEC. 4336. *Orders in effect.*—All general orders shall be effective ten days after the same are adopted by the commission and posted upon the bulletin board of said commission in its offices in the city of Denver, Colorado.

Special orders shall take effect as therein directed.

The commission may, upon application of any person, grant such time, as may be reasonably necessary for compliance with any order. Any person may petition the commissioner for an extension of time which the commission shall grant if it finds such an extension of time necessary.

All orders of the commission shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant to the provisions of this act, or until altered or revoked by the commission.

A substantial compliance with the requirements of this act, shall be sufficient to give effect to the orders or awards of the commission and they shall not

be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

SEC. 4337. *Duty of employers.*—Every employer shall exercise reasonable care and comply fully with all the requirements of law respecting health and safety and to furnish places of employment which shall be safe for employees therein and to furnish and use safety devices and safeguards, and to adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and to do every other thing reasonably necessary to protect the life, health, and safety of such employees. Every employer and every owner of a place of employment now or hereafter constructed shall exercise reasonable care to so construct, repair, or maintain such place of employment as to render the same safe, in accordance with the statutes of this State in such cases made and provided.

SEC. 4338. *Unsafe places.*—Whenever the commission shall learn, or upon petition by any person be informed, that any employment or place of employment is not safe, it shall proceed summarily with or without notice, to make such investigation as may be necessary to determine the matter complained of, in so far as the same may affect the provisions of this act.

After investigation, the commission shall call the attention of the commissioner of labor, or other officer authorized to inspect and regulate same, and shall order such changes as may be necessary to render such employment or place of employment safe, and comply with the provisions of this act.

SEC. 4339. *Power of commission to supervise.*—The commission is vested with the power and jurisdiction to have such supervision of every employment and place of employment in this State as may be necessary adequately to ascertain and determine the conditions under which the employees labor, and the manner and extent of the obedience by the employer to all laws and all lawful orders requiring such employment and places of employment to be safe, and requiring the protection of the life, health, and safety of every employee in such employment or place of employment, and to enforce all provisions of law relating thereto; and is also vested with power and jurisdiction to administer all provisions of this act with respect to the relations between employer and employee and to do all other acts and things convenient and necessary to accomplish the purposes of this act.

SEC. 4340. *Duty of public officials.*—It shall be the duty of all officers and employees of the State, the counties and municipalities, upon request of the commission to enforce in their respective departments, all lawful orders of the commission, in so far as the same may be applicable and consistent with the general duties of such officers and employees; and it shall also be their duty to make to such commission such reports as it may require concerning matters within their knowledge appertaining to the purposes of this act, and to furnish to it such facts, data, statistics, and information as may from time to time come to them appertaining to the purposes of this act, and the duties of such commission thereunder, and particularly all information coming to their knowledge respecting the condition of all places of employment subject to the provisions of this act, as regards the health, protection, and safety of employees, and the conditions under which they labor.

It shall be the duty of the labor statistician of the bureau of labor statistics to collect, compile and report to the commission such data, facts, and information as shall come to his department or to the commission concerning the relations between employer and employee and relating in any way to the provisions of this act.

SEC. 4341. *Deputies.*—For the purpose of making any investigation with regard to any employment or place of employment, or other matter contemplated by the provisions of this act, the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy or any other competent person as an agent whose duties shall be prescribed in such order.

In the discharge of his duties such agent shall have every power whatsoever for obtaining information granted in this act to the commission and all powers granted by law to officers authorized to take depositions are hereby granted to such agent.

The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be

advisory only and shall not preclude any further investigation, or the taking of further testimony, if the commission so order.

SEC. 4342. *Information to be furnished.*—Every employer and employee shall furnish the commission, upon request, all information required by it to accomplish the purposes of this act, which information shall be furnished on blanks to be prepared by the commission; and it shall be the duty of the commission to furnish such blanks to such employer free of charge, upon request therefor. Every employer receiving from the commission any blanks, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give in writing good and sufficient reasons for such failure. The commission may require that the information herein required to be furnished be verified under oath and returned to the commission within the period fixed by it or by law. The commission or any person employed by it for that purpose, shall have the right to examine, under oath, any employee or employer, or the officer, agent or employee thereof, for the purpose of ascertaining any information which such employer or employee is required by this act to furnish to the commission. Any employer or employee who shall fail or refuse to furnish such information as may be required by the commission under authority of this act, shall, if an employer, be deemed guilty of a misdemeanor and shall be punished by a fine of two hundred dollars, and if an employee shall be deemed guilty of a misdemeanor and shall be punished by a fine of twenty-five dollars.

SEC. 4343. *Information to be confidential.*—The information contained in the reports provided for in the preceding section, and such other information as may be furnished to the commission by employers and employees in pursuance of the provisions of this act, shall be for the exclusive use and information of said commission in the discharge of its official duties and the commission may treat and file the said information or any part thereof as confidential and when so treated or filed by the commission the same shall be considered as and be confidential information for the sole use of said commission and shall not be open to the public nor be used in any court, in any action or proceeding pending therein, unless the commission is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the commission in statistical form, for the use and information of other State departments and the public. Any person in the employ of the commission who shall divulge any such confidential information to any person other than the commission, shall be punished by a fine of not more than one thousand dollars ($1,000) and shall thereafter be disqualified from holding any appointment or employment with any department under the State.

SEC. 4344. *Entering work places.*—The commission, or any member thereof, and, on being authorized in writing by the commission, any other person, may, without any other warrant than this act, at any reasonable time, enter any building, mine, mine workings, factory, workshop, place or premises of any kind, wherein, or in respect of which, any industry is carried on or any work is being or has been done or commenced, or any matter or thing is taking place, which has been made the subject of an investigation, hearing or arbitration by the commission or the board, and inspect and view any work, material, machinery, appliance, or article therein, and interrogate any persons in or upon any such building, mine, mine workings, factory, workshop, place or premise as aforesaid in respect of or in relation to any matter or thing hereinbefore mentioned; and any person who shall hinder or obstruct the commission, or any such person authorized as aforesaid, in the exercise of any power, conferred by this section, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars.

SEC. 4345. *Books, records, etc.*—All books, records, and pay rolls of employers, showing or reflecting in any way upon the amount of wage expenditure of such employers, and other data, facts, and statistics appertaining to the purposes of this act, shall always be open for inspection by the commission or any of its deputies or agents for the purpose of ascertaining the conditions of employment, and such other information as may be necessary for the uses and purposes of the commission in its administration of the law.

Any employer who shall refuse to exhibit to and furnish said commission or any of its employees or agents an inspection of any and all books, records, and pay rolls of such employer, showing or reflecting in any way upon the

amount of wage expenditure of such employers, and other data, facts, and statistics appertaining to the purposes of this act or who shall refuse to admit such commission or its agent to any place of employment shall pay a penalty of not less than $50 for each day that such failure, neglect, or refusal shall continue.

SEC. 4346. *Procedure.*—Such commission, or persons by it duly designated, shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein or by the rules of the commission provided; but may make such investigations in such manner as in its judgment are best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act.

SEC. 4347. *Records.*—A full and complete record shall be kept of all proceedings had before or under the order of the commission on any investigation and all testimony shall be taken down by a stenographer appointed by the commission.

A transcribed copy of the evidence and proceedings, or any specific part thereof, of any investigation or hearing taken by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of the testimony on the investigation or hearing of a particular witness, or of a specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on such investigation or hearing so purporting to be taken and subscribed, may be received as evidence by the commission and by any court with the same effect as if such stenographer were present and testified to the fact so certified. A copy of such transcript shall be furnished on demand to any party upon the payment of ten cents per folio. Fees received from the sale of transcripts shall be applicable to the expenses of the commission in addition to all sums which may be appropriated for its use.

SEC. 4348. *Depositions.*—The commission or any party may in any investigation cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in district courts. All such depositions shall be taken upon commission issued by the commission and shall be taken in accordance with the laws and rules of court covering depositions in civil cases in the district courts of this State.

SEC. 4349. *Disobedience.*—In case of failure or refusal of any person to comply with the order of the commission or subpœna issued by it or its agents, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, or refusal to permit an inspection as provided in this act, the judge of the district court for the county in which the person resides or of the county in which said person has been ordered to appear and testify before said commission, on application of the commission or any person appointed by it, shall compel obedience by attachment proceedings as in case of disobedience of the requirements of subpœna issued from such district court or on a refusal to testify therein. Any person serving a subpœna or order shall receive the same fees as a sheriff for like service. Such subpœna or order may be served by any officer duly authorized to subpœna witnesses, or by any person designated by the commission for such purpose, and proof of the serving of such subpœna or order shall be by the return of such person or officer endorsed thereon or attached thereto, and each witness who appears in answer to a subpœna before the commission or its agent shall if so ordered by the commission receive for his attendance the fees and mileage provided for in civil cases in the district court in the county where such witness attends which shall be paid in the same manner as other expenses of the commission are paid.

No witness subpœnaed at the instance of a party other than the commission or its agent shall be entitled to compensation unless the commission in its discretion shall so order.

SEC. 4350. *General duties.*—The commission shall inquire into the general condition of labor in the principal industries in the State of Colorado and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into relations existing between lessees of State lands and the State, as to production and royalties or rentals paid, and into the relations between said lessees and their employees with respect to wages paid and conditions of labor; into the growth

of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods of avoiding or adjusting labor disputes through peaceable and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their efficiency and usefulness. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and take all necessary means and methods within the powers of such commission as provided by law, to alleviate the same, and to report from time to time to the general assembly such remedial legislation as in the judgment of the commission may be advisable, with their recommendations thereon.

SEC. 4351. *Arbitration, etc.*—The commission shall do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees, and to avoid the necessity of resorting to strikes, lockouts, boycotts, blacklists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide necessary expenses of such boards, order reasonable compensation not exceeding ten dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and do all other acts and things convenient or necessary to accomplish the purposes directed in this section.

Any investigation, inquiry or hearing may be undertaken or held by or before any commissioner, deputy, agent, or board of arbitration, or committee designated for that purpose by the commission, and every finding, order, award or decision made by those so designated, pursuant to such investigation, inquiry or hearing, when approved and confirmed by the commission, shall be and be deemed to be the finding, order, award or decision of the commission.

SEC. 4352. *Powers.*—For the purpose of such investigations, hearings or arbitrations, the commission, or any arbitration board appointed by the commission, shall have all the powers of summoning before it, and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence on oath, or on solemn affirmation, and to produce such books, papers or other documents or things as the commission, or the board, deems requisite to the full investigation of the matters into which it is inquiring, as is vested in any court of record in civil cases.

Any members of the commission, or the board, may administer on oath, and the commission, or the board, may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not. Any party to the proceedings shall be competent and may be compelled to give evidence as a witness.

SEC. 4353. *Jurisdiction as to disputes.*—The industrial commission shall have jurisdiction of every dispute between employer and employee affecting conditions of employment, or with respect to wages or hours, and such jurisdiction shall continue until after final hearing of such dispute and the entry of final award therein, or until said commission shall enter an order disposing of or terminating such jurisdiction. The relation of the employer and employee shall continue uninterrupted by the dispute or anything arising out of the dispute until the final determination thereof by said commission, and neither the employer nor any of the employees affected by any such dispute shall alter the conditions of employment with respect to wages or hours or any other condition of said employment; neither shall they nor any of them on account of such dispute do or be concerned in doing directly or indirectly anything in the nature of a lockout or strike or suspension or discontinuance of work or employment.

Employers and employees shall give to the industrial commission and the one to the other at least thirty days' prior written notice of an intended change affecting conditions of employment or with respect to wages or hours.

Notice by the employer to his employees shall be given by posting and keeping posted copies of such written notice in and about the several places of employment in conspicuous places and in a sufficient number of places frequented by employees as to reasonably notify such employees. Notice from employees to employer shall be given by serving a copy of such notice upon said employer in the same manner as summons is served in a civil action in a

court of record or by mailing a copy thereof by prepaid mail to such employer at his business address in this State.

Such notice by an employer shall be signed by said employer or some officer of such employer, if a corporation, and notice by said employees shall be signed by said employees or members of a committee of said employees authorized for such purpose.

Notice on said commission may be served by delivering a copy of such notice personally to the secretary or any member of said commission, or by prepaid mail delivered to the office of said commission in Denver, Colorado.

Such notice shall set forth the facts, issues or demands involved in the controversy or dispute, and each party to such dispute shall from time to time furnish the commission such information within the time and as may be requested by said commission.

If either party uses this or any other provision of this act for the purpose of unjustly maintaining a given condition of affairs through delay, such parties shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $100.

The commission shall proceed with reasonable diligence in hearing all disputes and shall render a final award or decision therein without unnecessary delay.

SEC. 4354 (as amended 1923, ch. 199). *Lockouts and strikes unlawful, when.*—It shall be unlawful for any employer to declare or cause a lockout, or for any employee to go on strike, on account of any dispute prior to or during an investigation, hearing, or arbitration of such dispute by the commission, or the board, under the provisions of this act: *Provided*, That nothing in this act shall prohibit the suspension or discontinuance of any industry or of the working of any persons therein for any cause not constituting a lockout or strike, or to prohibit the suspension or discontinuance of any industry or of the working of any persons therein, which industry is not affected with a public interest: *Provided, further*, That nothing in this act shall be held to restrain any employer from declaring a lockout, or any employee from going on strike in respect to any dispute after the same has been duly investigated, heard, or arbitrated, under the provisions of this act.

SEC. 4355. *Parties may act.*—Nothing in sections 29 [4353] and 30 [4354] of this act shall be construed to make any findings, determination of the rights of the parties, decision or award of said commission or of any board of arbitration appointed thereby upon the facts of any such industrial dispute, binding, conclusive, or enforceable upon any of the parties thereto, or affected thereby, nor be held to restrain any employer from declaring a lockout, nor any employee from going on strike, in respect to any dispute, after the same has been duly investigated and the findings, order, or award of the commission made thereon under the provisions of this act, unless such parties have in writing agreed to accept and be bound by the terms of such findings, decision, or award.

No petition for a hearing on the reasonableness of any such finding, order, or award, nor for the rehearing or review of such findings or award shall be filed or entertained, nor shall any suit or proceeding be brought or commenced to review any such findings, order, or award, unless such parties have agreed to be bound by such findings, order, or award as in this section provided.

SEC. 4356. *Enforcement.*—The people of the State of Colorado, ex rel. the Industrial Commission of Colorado, as petitioners, may file in the District Court of the city and county of Denver, or of any county in which the place of employment or any part thereof is situated, a verified petition against any employer or employers or any employee or employees, or both employer and employees, as respondents, and setting forth any violation or threatened or attempted violation of any provision of section 29 [4353] or 30 [4354] of this act and thereupon, without bond and without notice, such district court shall issue its mandatory writ enjoining the alleged violations, or attempted or threatened violations of this act and ordering and requiring such respondent or respondents to maintain all the conditions of employment in statu quo and without change until after the dispute or controversy between said employer or employers and said employees has been investigated and heard by said commission and the final findings, decision, order, or award of said commission made and entered therein. Any respondent may move such court to dissolve such mandatory writ as to such respondent and upon at least five days' previous notice to the commission, such motion shall be set down for hearing, but such mandatory writ shall not be dissolved without proof of full compliance by such respondent with all the provisions of this act and orders of the commission and that the

continuance in effect of such mandatory writ is causing or will cause such respondent great and irreparable injury, and the court may require such security of said respondent as the court shall determine adequate to enforce obedience to the provisions of this act on the part of such respondent before such mandatory writ shall be dissolved.

SEC. 4357. *Lockouts, strikes.*—Any employer declaring or causing a lockout contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment in the county jail for a term of not more than six months or both such fine and imprisoument in the discretion of the court, and each day or part of a day that such lockout exists shall constitute a separate offense hereunder.

Any employee who goes on strike contrary to the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $50, or by imprisonment in the county jail for a term of not more than six months, or both such fine and imprisonment in the discretion of the court, and each day or part of a day that the employee is on strike shall constitute a separate offense hereunder.

Any person who incites, encourages, or aids in any manner any employer to declare or continue a lockout, or any employee to go or continue on strike, contrary to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars ($1,000), or by imprisonment in the county jail for a term of not more than six months, or both such fine and imprisonment, in the discretion of the court.

SEC. 4358. *Powers of commission.*—The commission shall have full power and authority to hear and determiue all questions within its jurisdiction, and its findings, award and order issued thereon shall be final, except as in this act provided. Any person affected by any finding, order or award of the commission, may petition for a hearing on the reasonableness of any such finding, order or award. Such petition shall be verified, and shall specify the finding, order or award upon which a hearing is desired and every reason why such finding, order or award is considered unreasonable. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the finding, order or award upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

SEC. 4359. *Hearings.*—Upon the filing with the commission by any party iu interest of such petition, the commission shall fix a time for the hearing thereof, which shall not be more than forty days after the filing of such application. The commission shall cause reasonable notice of such hearing, embracing a general statement of such claim, to be given to each party interested, by service of such notice on him personally or by mailing a copy thereof to him at his last known post-office address at least ten days before such hearing. Such hearing may be adjourned from time to time in the discretion of the commission, and hearings shall be held at such places as the commission may designate. Either party shall have the right to be present at any hearing, in person or by attorney, or any other agent, and to present such testimony as may be pertinent to the controversy before the commission, and shall have the right of cross-examination: *Provided*, That the commission may, with or without notice to either party, cause testimony to be taken, or an inspection or iuvestigation to be made; the testimony so taken shall be reported to the commission for its consideration upon final hearing. All ex parte testimony taken by the commission shall be reduced to writing and either party shall have opportunity to examine and rebut the same on final hearing. Upon such hearing, if it shall be found that the finding, order or award complained of is unreasonable, the commission shall substitute therefor such other finding, order or award as shall be just and reasonable, or may rescind such finding, order or award. Whenever at the time of the final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the finding, order or award of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

SEC. 4360. *Findings.*—After final hearings by said commission, it shall make and file (1) its findings upon all the facts involved in the controversy, and (2) its award, which shall state its determination as to the rights of the parties. Pending the hearing and determination of any controversy before it, the commission shall have power to make such reasonable orders concerning the sub-

ject matter thereof as may be necessary to give effect to the provisions of this act. The commission, on its own motion, on three days' notice to the parties interested, by mail or served personally, may modify or change its order, finding or award at any time within fifteen days from the date thereof, if it shall discover any mistake therein.

SEC. 4361. *Action in court.*—Any person in interest being dissatisfied with any such finding, order or award of the commission issued or promulgated by virtue of the authority conferred in this act, may commence an action in the district court in and for the county wherein the injury was sustained or in the district court in and for the city and county of Denver against the commission as defendant to modify or vacate the same on the ground that the same is unlawful or unreasonable. All actions shall have precedence over any civil cause of a different nature pending in such court, and the district court shall always be deemed open for the trial thereof, and the same shall be tried and determined by the district court as other civil actions.

SEC. 4362. *Procedure.*—No action, proceeding or suit to set aside, vacate or amend any finding, order, or award of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have first applied to the commission for a hearing thereon as provided in this act, and unless such action, proceeding or suit shall have been commenced within sixty days after final decision by the commission; nor shall any injunction issue suspending or staying auy order of the commission except upon application of the district court or a judge thereof, notice to the commission and hearing thereon.

In such action a copy of the complaint, which shall state the grounds upon which a review is sought, shall be served with the summons. The commission shall file its answer within twenty days after the service of the complaint. With its answer, the commission shall make return to said court of all documents and papers on file in the matter, and of all testimony which may have been taken therein, and of its order, finding, and award. Such return of the commission when filed in the office of the clerk of the district court shall constitute a judgment roll in such action; and it shall not be necessary to settle a bill of exceptions in order to make such return part of the record of such court in such action. . Said action may thereupon be brought on for hearing before said court upon such record by either party on ten days' notice to the other; subject, however, to the provisions of law for a change of the place of trial or the calling in of another judge.

SEC. 4363. *Same.*—If, upon trial of such action, it shall appear that all issues arising in such action have not heretofore been presented to the commission In the petition filed as provided in this act, or that the commission has not theretofore had an ample opportunity to hear and determine any of the issues raised in such action, or has for any reason, not in fact heard and determined the issues raised, the court shall, before proceeding to render judgement, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered, and shall stay further proceedings in such action for fifteen days from the date of such transmission, and may thereafter grant such further stays as may be necessary.

Upon the receipt of such statement, the commission shall hear and consider the issues not theretofore heard and considered, and may alter, modify, amend or rescind its findings, order or award complained of in said action, and shall report its action thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as presented by such modification of the finding, order or award as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall proceed with the trial of such action.

SEC. 4364. *Power of court.*—Upon such hearing, the court may confirm or set aside such order, but only upon one or more of the following grounds:

(1) That the commission acted without or in excess of its powers.

(2) That the finding, order or award was procured by fraud.

(3) That the findings of fact by the commission do not support the order or award.

(4) That the award does not do substantial justice to the parties.

Any action commenced in court under this section to set aside or modify any finding. order or award of the commission shall be brought to trial within

thirty days after issue shall be joined, unless continued on order of the court for good cause shown. No continuance shall be for longer than thirty days at one time.

Upon the trial of any such action the court shall disregard any irregularity or error of the commission unless it be made to affirmatively appear that the claimant was damaged thereby.

The record in any case shall be transmitted to the commission within twenty days after the order or judgment of the court, unless, in the meantime, a writ of error addressed to the district court shall be obtained from the supreme court, for the review of such order or judgment.

Upon the setting aside of any finding, order, or award, the court may recommit the controversy and remand the record in the case to the commission for further hearing or proceedings; or it may enter the proper judgment upon the findings, as the nature of the case shall demand. An abstract of the judgment entered by the trial court upon the review of any order or award, shall be made by the clerk thereof upon the docket of said court, and a transcript of such abstract may be obtained as of any entry upon such docket.

SEC. 4365. *Review by supreme court.*—The commission or any party aggrieved by a judgment entered upon the review of any such finding, order, or award, may have questions of law only reviewed summarily by the supreme court by writ of error, as provided by law, and said cause shall be advanced upon the calendar of the supreme court, and a final decision rendered within sixty (60) days from date of issuance of the writ. It shall not be necessary for said commission or any party aggrieved by said action to execute, serve, or file any undertaking in order to obtain such writ of error.

SEC. 4366. *Fees.*—No fees shall be charged by the clerk of any court for the performance of any official service required by this act, except for the docketing of judgments, and for certified copies of transcripts thereof. In proceedings to review any finding, order or award, costs as between the parties shall be allowed, or not, in the discretion of the court, but no costs shall be taxed against said commission. In any action for the review of any finding, order or award, and upon any review thereof by the supreme court, it shall be the duty of the district attorney of the county, wherein said action is pending, or the attorney general, if requested by the commission, to appear on behalf of the commission, whether any other party defendant should have appeared or to be represented in the action or not.

SEC. 4367. *Failure to appear.*—Any person who shall fail, refuse, or neglect to appear and testify, or to produce books, papers, and records as required by the subpœna duly served upon him, or as ordered by said commission, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $100, or imprisoned in the county jail not longer than thirty days for each day or part of day that said person is so in default.

The district court of the county wherein such person resides or of the city and county of Denver, or of the county wherein said person has been ordered to appear and testify or to produce such books, papers and records, upon application of the commission or its agent may issue an order compelling the attendance and testimony of witnesses and the production of books, papers, and records before such commission or any such agent.

SEC. 4368. *Violations.*—[Violations of this act are punishable by a fine of not less than $100, or by imprisonment for not longer than 60 days, or both. Violations of orders of the commission are punishable by a fine of not less than $100 for each day's continued violation.]

The violation of any of the provisions of this act, including any violation herein fixed as a misdemeanor or other crime shall in the case of a corporation be considered as and be a violation of the provisions of said act by any and all officers, agents and representatives of said corporation aiding, abetting, advising, encouraging, participating, inciting or acquiescing in such violation, and they and each and every one of them shall be individually and separately guilty of such violation and subject to the fines, penalties, and punishments herein provided.

SEC. 4369. *Separate offenses.*—Every day during which any employer or officer or agent thereof, or any employee, shall fail to comply with any lawful order of the commission or to perform any duty imposed by this act, shall constitute a separate and distinct violation thereof.

SEC. 4370. *Penalties.*—All penalties provided for in this act shall be collected in a civil action brought against the employer or employee as the case may be,

in the name of the commission, and all such penalties, when collected, shall be paid into the expense fund of such commission and become a part thereof. Any fine herein provided shall be considered as a penalty and recovered in a civil action as above provided, unless the violation of this act for the punishment of which said fine is provided, is designated as a misdemeanor or other crime.

SEC. 4371. *Enforcement.*—Upon request of the commission, the attorney general, or the district attorney of any district or county, shall institute and prosecute the necessary action or proceedings for the enforcement of any of the provisions of this act, or for the recovery of any money due to the commission, or any penalty herein provided for, and shall defend in like manner all suits, actions or proceedings brought against the commission. No district attorney or any assistant, or deputy district attorney, nor the attorney general or deputy, or assistant attorney general within this State shall appear in any proceedings, hearing, investigation, arbitration, award or compensation matter, except as attorney for and on behalf of said commission, its members, and employees.

SEC. 4372. *False statements.*—If, for the purpose of obtaining any order, benefit or award under the provisions of this act, either for himself or for any other person, anyone willfully makes a false statement or representation, he shall be guilty of perjury and punished accordingly.

SEC. 4374. *Construction.*—[Provisions of the law are severable, the declared unconstitutionality of any part not to affect other parts.]

Inspection of steam boilers

SECTIONS 5481–5489. *Inspectors.*—[The governor is authorized to appoint a chief and two deputy inspectors of steam boilers, the former at a salary of $2,500, and the latter at $1,800 each, traveling expenses additional, not to exceed $1,200 per annum in each case. Annual inspections must be made of "every stationary boiler and steam generating apparatus under pressure used for stationary power," including attachments and connections. An owner contemplating insurance may notify the State inspector, whose duty it will then be to have the annual inspection made at the same time as the inspection for insurance. The inspector must also make inquiry and report as to the cause of any boiler explosion that may occur within the State.

Owners must report boilers, and tests must show a capacity under hydraulic pressure one-third in excess of the ordinary working steam pressure used. A certificate showing the maximum working pressure must be granted; or if the boiler is found to be unsafe, it must be condemned for future use.

The fee for inspection is $5. Penalties are fixed for failure to report boilers, for failure to have them ready for inspection on notice, and for use when condemned; also for the failure of an inspector to discharge his duty.]

Exemption of wages from garnishment

SECTION 5917. *Amount.*—[Sixty per cent of a judgment debtor's wages or earnings are exempt from levy under execution, etc., if the debtor is the head of a family or the wife of the head of a family residing in the State, and the earnings are necessary to the support of such family. If the earnings do not exceed $5 per week, they are entirely exempt.]

Wages as preferred claims—In assignments

SECTION 6270. *Amount.*—[Wages of servants, laborers, and employees of an assignor, earned within the six months next preceding the date of the assignment, not exceeding $50 in amount, and taxes due the State or the United States, are preferred to other debts.]

Protection of employees as voters

SECTION 7682. *Employers, etc., not to be judges or clerks.*—* * * No one who is the employer, agent, superintendent, manager or boss of a number of employees, of any company, corporation, or person, carrying on mining or manufacturing, or railroad operations in any precinct, shall be appointed a judge or clerk of election; * * *

SEC. 7754. *Nor watchers at polls.*—* * * No one who is the employer, agent, manager, superintendent or boss of a number of employees of any company, corporation, or person, carrying on mining, manufacturing or railroad operations in such precinct, shall be appointed such watcher, [at a polling place] * * *.

SEC. 7830. *Coercion, etc., by employers.*—* * * It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their or his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is [are] written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views or actions of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding-house, office or other establishment or place where its, their or his employees may be working or be present in the course of such employment, any hand-bill, notice or placard containing any threat, notice or information that in case any particular ticket or candidate shall be elected, work in its, their or his place or establishment will cease in whole or in part or its, their or his establishment be closed, or the wages of its, their or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their or his employees. Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation so guilty of such misdemeanor shall be punished as hereinafter prescribed.

SEC. 7831. *Use of violence, etc.*—It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence by force, violence or restraint or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 7835. *General penalty.*—* * * Any person, corporation or agent of a corporation, guilty of any offense herein made a misdemeanor shall, upon conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. * * *

SEC. 7866. *Influencing vote.*—Incorporated employers of help shall not, in any manner, attempt to influence or control the action of their employees in casting their votes for or against any person or persons, measure or measures, at any caucus, convention, or primary election described in this act. The act of any boss, master workman, or one acting in authority among such employees, with the consent of the employer, shall be construed to be the act of such employer. Any employer violating this section shall be deemed guilty of a misdemeanor, and fined in a sum not less than five hundred nor more than five thousand dollars. Any number of distinct violations of this section occurring at the same caucus, convention or primary election may be charged in one indictment in different counts, and all tried in the same action, the jury specifying the counts, if any, on which the defendant is found guilty.

Employment of children—School attendance

SECTION 8468. *Attendance required.*—[Attendance for the full term of school is required of any child under 16 years of age, unless, among other reasons, its help is necessary for its own or its parents' support.]

SEC. 8469. *Employment.*—[No child under 14 years of age may be employed during the school term and while the public schools are in session unless the provisions of the foregoing section are complied with, and a written record of the same kept by the employer.]

SEC. 8470. *Illiterates.*—[Illiterates 14 to 16 years of age must attend school at least one-half of the day, or a night school, until able to read and write. Employers having such minors in their employment must exact compliance to this provision of the law.]

SEC. 8480. *Employment during school hours.*—[Employment of any child under 14 years of age during school hours is forbidden unless he has attended school 12 weeks during the year.]

NOTE.—Employment of children under 14 during school hours is entirely forbidden by the later enacted law of 1911 as against 1899, set forth in sec. 4208.

ACTS OF 1923

CHAPTER 144.—*Payment of wages by mine lessees*

SECTIONS 1–3. *Bond required when.*—[Lessees of lands for coal mining who fail to meet their semimonthly pay roll as provided by law (sec. 4226) are required to give bond to protect their employees. This bond runs to the commissioner of labor, and is conditioned to require prompt payment of all wages lawfully due. The amount is $1,000 for each unit of 10 men or less employed, but need not exceed $5,000. Employees may bring action directly against the principal and surety. Violations are punishable by fine, $50 to $500.]

CONNECTICUT

GENERAL STATUTES—1918

Protection of employees as voters

SECTION 650. *Coercion, etc., by employers.*—Every person who shall, at or within sixty days prior to any electors', town, city, borough, or school meeting, attempt to influence the vote of any operative in his employ by threats of withholding employment from him or by promises of employment or who shall dismiss any operative from his employment on account of any vote he may have given at any such meeting, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned not less than six months nor more than twelve months, or both.

Employment of children—School attendance

SECTION 835. *Attendance required.*—[Children under 16 must attend school unless 14 years of age and lawfully employed.]

SEC. 840. *Employment under 14.*—[Persons employing or permitting the employment on their premises of children under 14 years of age during school hours shall be fined $20 for each week of violation.]

SEC. 842. *Enforcement.*—[School visitors or the town school committee must inspect all manufacturing establishments one or more times per year to ascertain the facts as to the observance of this law.]

SEC. 870. *Illiterates.*—[Children under 16 years of age who can not read and write may not be employed in any town where a public evening school is kept without a certificate showing 18 nights' attendance each month.]

Railroads—Bridges over tracks

SECTION 1412. *Height.*—[Bridges over railroad tracks must give a clearance of 18 feet unless the public utilities commission prescribe a less height in writing.]

CHAPTER 333.—*Bribery, etc., of employees making purchases*

SECTION 1547. *Acts forbidden.*—No person having charge of a motor vehicle for the owner thereof shall receive, directly or indirectly, any consideration for the purchase of supplies or parts for such motor vehicle, or for work performed thereon by others; and no person furnishing such supplies, parts, or work shall in connection therewith, give or offer to give such person having charge of such motor vehicle, directly or indirectly any valuable consideration.

Department of labor and factory inspection

SECTION 2212 (as amended 1921, ch. 366). *Salary.*—* * * There shall be paid * * * to the commissioner of labor and factory inspection, three thousand dollars, and the necessary postage, stationery, office expenses, and the traveling expenses of the commissioner and his assistants; and to all other employees of said department such sums as shall be fixed by the commissioner of said department, subject to the approval of the board of control, together with all necessary expenses incident to the performance of the duties of the office to be paid upon proper vouchers of such employees, signed by the commissioner. . .

SEC. 2318. *Department continued.*—There shall continue to be a department of labor and factory inspection in which shall be consolidated the functions, prerogatives, powers, and duties of the bureau of labor statistics and of the department of factory inspection. The department of labor and factory inspection shall be under the direction and control of a commissioner of labor and factory inspection.

SEC. 2319. *Appointment of commissioner.*—The governor, on or before the first day of May in 1919, and quadrennially thereafter, shall appoint, with the advice and consent of the senate, a commissioner of labor and factory inspec-

tion to serve for four years from the first day of July next succeeding his appointment.

SEC. 2320. *Deputies, etc.*—The commissioner of labor and factory inspection may appoint to and remove from office such deputies, assistants, or employees in the conduct of his office as are authorized and provided for the bureau of labor statistics and for the department of factory inspection.

SEC. 2321. *Railroad roundhouses.*—The commissioner of labor and factory inspection, or his deputy, shall examine the lighting and sanitary conditions of railroad roundhouses.

SEC. 2322. *Bureau of labor statistics.*—There shall be a bureau of labor statistics under the management of the commissioner of labor and factory inspection.

SEC. 2323. *Rooms.*—The comptroller shall provide suitable rooms in the capitol for the labor bureau. The commissioner of labor and factory inspection may appoint or remove from office a deputy commissioner of the labor bureau to serve under the commissioner of labor and factory inspection in the labor bureau.

SEC. 2324 (as amended, 1921, ch. 185). *Data.*—The commissioner of labor and factory inspection shall collect information upon the subject of labor, its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity; but for this purpose persons shall not be required to leave the vicinity of their residences or places of business.

SEC. 2325. *Reports.*—The commissioner shall annually report to the governor all the statistical details relating to this department.

SEC. 2326. *Agents.*—The commissioner may employ special agents to assist him in his investigations who shall receive compensation for the time actually employed in such service.

SEC. 2327. *Investigations.*—The commissioner is authorized to investigate the wages, hours of employment, necessary expense of living and health so far as affected by their employment, of wage-earning women and girls in stores, wholesale and retail, public utilities, photographic, undertaking, millinery and dressmakers' establishments, hotels, restaurants, laundries, hairdressing and barber shops, domestic service, and tenement-house work. Said investigation shall be conducted under the supervision of said commissioner by a woman specially trained for this work and selected by him. Other employees of said bureau may be detailed to assist in the prosecution of such investigation. Said commissioner shall have power to demand from those possessed of it such information as is pertinent to the investigation herein authorized, and any person who refuses to furnish the information so demanded, within a reasonable time, shall be fined not more than one hundred dollars. Each week during which any person refuses to furnish the information aforesaid after a reasonable time has elapsed shall be a separate offense.

SEC. 2328. *Alien laborers.*—The commissioner may appoint competent persons, familiar with the language of alien laborers, as special agents of the bureau, who shall inform said laborers, either personally or through printed matter in their language, as to their right of contract under the laws of the State, and prevent illegal advantage being taken of said laborers by reason of their ignorance, credulity or want of knowledge of the English language. The appointment of such agents shall not be permanent but simply to meet the exigencies of each case as presented to the commissioner, and they shall be paid the same compensation as is paid other agents of the bureau. The total expense in any one year shall not exceed three hundred dollars. Every person who shall obtain or receive money due laborers ignorant of the English language, and shall retain any part thereof for his own use, without giving adequate consideration therefor, shall be fined not more than one hundred dollars or imprisonment not more than one year or both.

Free public employment offices

SECTION 2329. *Status; organization.*—The public employment bureaus in New Haven, Hartford, Bridgeport, Norwich, and Waterbury shall remain as established. No compensation or fee shall be charged or received, directly or indirectly, from persons applying for employment or help through any such bureau. The commissioner of labor and factory inspection shall appoint for each bureau, and may remove for good and sufficient cause, a superintendent for the proper administration of its affairs. Such public employment bureaus shall be a department of the bureau of labor statistics.

SEC. 2330. *Branch offices.*—The commmissioner may establish and conduct branch public employment bureaus under the direction and control of the five established bureaus. Such branches may be established and conducted in any city within the State and shall be managed by the nearest bureau: *Provided*, In no case shall such a branch be established unless it can be conducted by the bureau taking charge thereof within the appropriation made for such bureau.

Private employment offices

SECTIONS 2331, 2332. *Scope.*—[Agencies for teachers exclusively are not covered by this law. It is applicable generally to persons, etc., charging fees for procuring employment.]

SEC. 2333. *License.*—[No agency may be operated without a license issued by the commissioner of labor and factory inspection on payment of an annual fee of $25. Licenses designate names and location, which latter must be approved as suitable.]

SEC. 2334. *Bond.*—[A bond of $500 is required, conditioned on observance of the law.]

SEC. 2335. *Registers.*—[Registers must be kept of applicants for work and for help, the same to be open to inspection by the commissioner and his agents.]

SEC. 2336. *Fees, receipts, etc.*—[Fees may not exceed 10 per cent of the first month's wages. Receipts must be given for all fees received, showing date, amount and nature of employment; also a separate statement giving name and address of the employer to whom sent. If the employment is not obtained or accepted, the full amount of the fee shall, on demand, be returned.

This law is to be posted in the agency, and no sign similar to that of the free public agencies is allowed.]

SEC. 2337. *Acts forbidden.*—[Sending females to places of bad repute or immoral resort is forbidden; also false advertising or the making of false entries or false promises. Violations are punishable by a fine not exceeding $100.]

Factory, etc., regulations

SECTION 2338. *Department of inspection.*—There shall be a department of factory inspection under the management of the commissioner of labor and factory inspection.

SEC. 2339. *Deputy commissioner.*—The commissioner of labor and factory inspection may appoint or remove from office a deputy commissioner of factory inspection to serve under the commissioner in the department of factory inspection.

SEC. 2340. *Inspection.*—The commissioner shall, by himself or a representative, as often as practicable, examine all buildings and places where machinery is used and may enter such buildings and places at all proper times for the purposes of inspection. He shall, on or before the first of December in each year, make a report to the governor of the condition, as respects safety to life and health, of the factories, buildings, and places visited.

SEC. 2341. *Elevators.*—No elevator shall be installed and operated in any factory, mercantile establishment, store house, work house, dwelling or other buildings until five days after the owner or his representative has mailed notice to the department of labor and factory inspection that the same is ready for inspection. Any person violating any provision of this section shall be fined not more than fifty dollars for the first offense, and for the second offense shall be fined not more than one hundred dollars or imprisoned not more than six months or both. The provisions of this section shall not prevent the operation of any elevator installed for temporary use in connection with building operations nor with the operation of any elevator for purposes connected with the installation or the testing of the same.

SEC. 2342. *Duties of department.*—The commissioner shall examine all elevators, whether in factories, mercantile establishments, storehouses, workhouses, dwellings or other buildings, and may order hoistways, hatchways, elevator wells and wellholes to be protected by trapdoors, self-closing hatches, safety catches or such other safeguards as will insure the safety of all persons therein. Due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by an occupant of the building having the use and control of the same. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device, if consid-

cied necessary by said commissioner, whereby the cab or car will be securely held in the event of accident to the shipper rope or hoisting machinery, or from any similar cause, and said mechanical device shall at all times be kept in good working order.

SEC. 2343 (as amended 1923, ch. 115). *Deputies.*—The commissioner of labor and factory inspection shall appoint ten deputies, of whom not less than two and not more than three shall be women, to assist him in the performance of his duties. Such deputies shall have the same power as the commissioner has in the department of factory inspection, subject to his approval. The commissioner and all deputies appointed under authority of this section are authorized to lodge a complaint with any prosecuting officer for the violation of any provision of this act, and if such prosecuting officer shall refuse to prosecute such offense, the commissioner or his deputy may present such complaint to the judge of the court or the justice of the peace having jurisdiction, and if such judge or justice of the peace shall find that sufficient facts to warrant prosecution have been presented, he shall forthwith order the prosecuting officer to issue a warrant for such offender. Any prosecuting officer refusing to issue such warrant when so ordered shall be fined not more than twenty-five dollars for each offense.

SEC. 2344. *Colored windows.*—Every person, firm or corporation using stained, painted or corrugated glass in factory windows, where the same is injurious to the eyes of the workmen therein, shall remove the same upon the order of the commissioner.

SEC. 2345. *Lighting, etc.*—All factories and buildings where machinery is used shall be well lighted, ventilated and kept as clean as the nature of the business will permit. The belting, shafting, gearing, machinery and drums, of all factories and buildings where machinery is used, when so placed as, in the opinion of the commissioner, to be dangerous to the persons employed therein while engaged in their ordinary duties, shall, as far as practicable, be securely guarded. No machinery other than steam engines in a factory shall be cleaned while running after notice forbidding the same is given by the commissioner to the owners or operators of the factory.

SEC. 2346. *Toilet rooms in foundries.*—[The commissioner may require all foundries where 10 or more men are employed, if sewage disposal is available, to be supplied with a wash room, suitably equipped, warmed, ventilated, and protected from dust. Failure to comply entails a fine of not over $50.]

SEC. 2347 (as amended 1919, ch. 273). *Same, in factories, etc.*—[Every factory or other building in which 5 or more persons are employed must be provided with suitable toilet accommodations.]

SEC. 2348. *Reports of accidents required.*—Except as otherwise provided by law, it shall be the duty of the person in active charge of any manufacturing or mercantile establishment to forward by mail to the commissioner at his office in Hartford, within fifteen days after each accident resulting in serious physical injury to an employee while at work in such establishment, a written notice of every such accident of which he shall have knowledge, which notice shall state the name of the injured employee, the time of the accident and the nature of the injury, and shall also contain a general description of the location in the establishment and of the character of the machine, if any, upon which the employee was at work at the time. The commissioner shall forthwith transmit to the person in charge of such establishment a written acknowledgment of the receipt of such notice, and shall keep a record of such accidents thus reported to him. Such records, notices and reports to the commissioner, and any investigation made by him or his deputies or agents, shall be priviledged and confidential and shall not be open for examination or inspection, and neither such commissioner nor any of his deputies or agents shall be a competent witness as to the facts involved in such accident in any proceeding pending in any court, unless such commissioner, deputy or agent was present at the time of the occurrence of the accident. The term "accident resulting in serious physical injury," as used in this section shall be construed to mean every accident which results in the death of the employee or causes his absence from work for at least one week thereafter. Any person, after having received from the commissioner forms for such notices, who shall fail to send notice of any accident as required by this section shall be fined not more than twenty dollars.

SEC. 2349. *Enforcement.*—The commissioner shall enforce the provisions of this chapter by giving proper orders or notices to the persons or corporations owning, operating or managing the factories or buildings inspected by him

and shall make complaint to the State's attorneys of all violations of this chapter.

SEC. 2350. *Ventilation.*—Every employer whose business requires the operation or use of any emery, tripoli, rouge, corundum, stone, carborundum, or other abrasive, polishing, or buffing wheel, in the manufacture of articles of metal or iridium or whose business includes any process which generates an excessive amount of dust shall install and maintain in connection therewith such devices as may be considered necessary by the commissioner and the State department of health to remove from the atmosphere any dust created by such process. The commissioner, with the State department of health, shall issue to any employer engaged in such business any orders necessary to render effective the foregoing provision, and if, within sixty days from the issuance of such order stating the changes to be made, such order shall not be complied with, the commissioner may order any such department closed until such order is complied with. The violation of any provision of this section or the failure to comply with any written order issued in accordance therewith within sixty days thereafter shall constitute a misdemeanor punishable by a fine of not more than five hundred dollars for each offense, and every such order shall be enforceable by the superior court or by a judge thereof if said court is not in session, by injunction on application of the commissioner or of the State department of health.

SEC. 2351. *Violations.*—[Violations of secs. 2344, 2345, 2347, or hindering inspectors, are punishable by a fine not to exceed $50; but no penalty will be enforced if changes are made within four weeks after order issued. This does not affect the right of an injured person to recover damages.]

SEC. 2352. *Notices.*—The orders and notices given by the commissioner of labor and factory inspection under the provisions of this chapter shall be written or printed, signed by him officially, and may be served by him or any proper officer or indifferent person, by leaving an attested copy thereof with or at the usual place of abode of the person upon whom service is to be made, or by registered mail addressed to such person at his last known place of address. Such notice, properly indorsed with the doings of the person or officer serving the same shall be returned to the commissioner and shall be prima facie evidence that notice was given as therein appears. Notice to one member of a firm shall be notice to every member thereof, and notice to the president, secretary, or treasurer of a corporation shall be notice to such corporation. The fees for serving such orders and notices, unless served by the commissioner, shall be the same as for the service of process in civil actions, and shall be included in the necessary expenses of the commissioner.

SEC. 2353. *Appeals.*—Any person, firm, or corporation aggrieved by any order of the commissioner may appeal to the superior court in the county where the person, firm, or corporation owns, leases, or occupies the factory or building to which said order relates, within four weeks after notice of such order shall be given. Said appeal shall operate as a supersedeas, shall be made in writing, and shall contain a brief statement of the facts and reasons of appeal and a citation to the commissioner to appear before said court, and said court or a judge thereof may direct the time of appearance and the manner of service. Said court may review the doings of the commissioner, confirm, change, or set them aside, and make such orders in the premises, including orders as to costs, as it may find to be proper and equitable.

SEC. 2354. *Rooms.*—The comptroller shall provide suitable rooms in the capitol for the department of factory inspection, and furnish blank forms for the notices and orders required by this chapter, and for annual reports. The commissioner shall keep in books provided by the comptroller copies of all notices and orders given by him, and a record of all inspections and examinations made; and upon the expiration of his term of office shall file his books of record with the secretary of the State.

SEC. 2355. *Sweat shops.*—The commissioner shall, as often as practicable, examine all buildings, apartments, rooms and places in any tenement or dwelling house used for residential purposes and used in whole or in part by others than the immediate members of the family therein, for the manufacture of artificial flowers, purses, cigars, cigarettes or any articles of wearing apparel intended for sale.

SEC. 2356. *Notice of use.*—The persons engaged in the manufacture of such goods in such premises, within thirty days after beginning such manufacture, shall notify said commissioner of the location of said workrooms, the nature of the work there carried on, and the number of persons therein employed.

SEC. 2357. *Sanitation, etc.*—The person operating said workrooms shall keep the same at all times in a clean and sanitary condition, properly lighted, ventilated, and fit for the occupancy of the persons engaged in work therein. The commissioner or any of his deputies shall notify the owner of such premises, and the person using the same for the purposes set forth in section 2355 to provide ample means for lighting or ventilating such workrooms and to put the same in a clean, sanitary and fit condition for occupancy for said work; and if said notification be not complied with in thirty days after the service of such notice, said commissioner or any of his deputies shall cause complaint to be made to the proper prosecuting authority.

SEC. 2358. *Violations.*—Every person, firm or corporation owning, using or occupying any workroom for the purposes specified in section 2355 shall, for the violation of any provision of sections 2356 or 2357, be fined not more than five hundred dollars.

SEC. 2650. *Posting placards.*—It shall be the duty of the commissioner of labor and factory inspection to cause to be posted, in prominent places in factories and shops, such posters as may be supplied to him for that purpose by the State tuberculosis commission.

Reports of occupational diseases

SECTION 2416 (as amended 1923, ch. 93). *Duty of physicians.*—Every physician having knowledge of any person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood-alcohol, mercury, or their compounds, or from anthrax, or from compressed-air illness, or any other disease, contracted as a result of the nature of the employment of such person, shall, within forty-eight hours, mail to the commissioner of labor and factory inspection a report stating the name, address and occupation of such patient, the name, address and business of his employer, the nature of the disease, and such other information as may reasonably be required by said commissioner. The commissioner shall prepare and furnish to the physicians of this State suitable blanks for the reports herein required. No report made pursuant to the provisions of this section shall be evidence of the facts therein stated in any action at law against any employer of such diseased person. Any physician who shall neglect or refuse to send any report herein required, or who shall fail to send the same within the time specified herein, shall be liable to the State for a penalty of not more than ten dollars, recoverable by civil action in the name of the State by the said commissioner. For each such report the physician making the same shall receive a fee of fifty cents, to be paid by the State department of health as a part of its office expenses.

Employment of children

SECTION 2610. *Elevators.*—[The employment of any person under 16 years of age to operate an elevator is forbidden, under penalty of not over $25 fine; and of any person under 18 years of age to operate an elevator running over 200 feet per minute, under penalty of not over $100 fine.]

SEC. 2611. *Messengers.*—[Employment of children under 18 years of age in messenger or delivery service in cities of 20,000 population or over, is forbidden between 10 p. m. and 5 a. m. Penalty: Not over $20 fine for each day.]

Fire escapes on factories, etc.

SECTION 2621. *Exits required.*—Every story above the first story of a building used as a * * * workshop, manufactory or store in which more than ten persons are employed above the first story, * * * shall be provided with more than one way of egress, by stairways on the inside or fire escapes on the outside of such buildings. Said stairways and fire escapes shall be so constructed, in such number, of such size and in such location as to give, in the opinion of the officer charged with the enforcement of this section, safe, adequate and convenient means of exit, in view of the number of persons who may need to use such stairway or fire escape, shall at all times be kept free from obstruction and shall be accessible from each room in every story above the first story. A ladder affixed to any of the premises herein described shall not be considered a fire escape within the meaning of this section and of sections 2622 and 2623.

SEC. 2622. *Enforcement.*—The commissioner of labor and factory inspection shall have power to enforce the provisions of sections 2621 and 2623, so far as

concerns workshops and factories, and may order fire escapes erected thereon whenever deemed by him to be necessary; and any owner, agent or lessee neglecting or refusing to comply with such order shall be subject to the penalties prescribed in section 2627.

SEC. 2623. *Fire escapes.*—If any building specified in section 2621, or any workshop, manufactory, boarding house, tenement house or other building used in whole or in part, for any of the purposes therein specified, or in which more than six persons shall be employed above the third story, shall be more than three stories in height, it shall be provided with at least one fire escape of iron or other incombustible material on the outside of said building; and if such building shall be more than one hundred and fifty feet in length it shall be provided with one such fire escape for every one hundred and fifty feet, or fractional part thereof exceeding fifty feet, and such fire escape shall be conveniently accessible from each story of said building; * * *

SEC. 2624. *Damages for injuries.*—In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the owner of any building to provide the same with fire escapes or stairways as required by the provisions of sections 2621, 2622, and 2623, or in consequence of the failure of such owner to comply with any order of the commissioner of labor and factory inspection, made in conformity to the provisions thereof, such owner shall be liable to any person so injured for damages for such injury; and in case of death such owner shall be liable in damages for the injury caused by the death of such person. It shall be no defense to any action for the recovery of such damages that the person injured or whose death ensued as aforesaid, had knowledge that such building was not provided with fire escapes or stairways as required by said sections, or that such person continued to work in or to occupy such building with such knowledge. * * *

SEC. 2627. *Penalties.*—[Penalties are fines not to exceed $500, or imprisonment not to exceed 6 months, or both.]

Inspection of steam boilers

SECTION 3064 (as amended 1921, ch. 347). *Inspector.*—[A suitable person of five years' practical experience is to be appointed as boiler inspector by the commissioner of labor and factory inspection.]

SEC. 3065 (as amended 1921, ch. 347). *Duties.*—[The inspector is to inspect annually steam boilers in the State not subject to other inspection, except portable boilers used for agriculture, road work, etc., and those of less than 15 pounds pressure which are equipped with safety devices.]

SEC. 3066 (as amended 1921, ch. 347). *Defective boilers.*—[The inspector must give orders for the repair of boilers found defective, and notify the owner, etc., not to use the same until the faulty condition is corrected. An appeal lies to the commissioner, who may modify, affirm, or rescind the order.]

SEC. 3067 (as amended 1921, ch. 347). *Fees.*—[The fee for internal and external inspection of a boiler not under pressure is $7.50; and for external inspection while under pressure, $2.50; not more than $10 in all in any one year.]

SECS. 3068, 3069. *Penalties.*—[Refusing to have a boiler inspected, or using it without inspection, or exceeding the pressure fixed entails a fine of not more than $200; and using a condemned boiler may be punished by fine of not more than $1,000 or by imprisonment not over 6 months, or both.]

SEC. 3070 (as amended 1921, ch.. 347). *Certificates.*—[The inspector issues a certificate for each boiler internally inspected, stating the pressure allowed. The same is to be posted under glass in the boiler room, and is valid not over 14 months.]

Profit sharing by corporations

SECTION 3427. *Authorization.*—[The boards of directors of corporations may distribute to their employees such portion of the profits of the business as may to the board seem just and proper.]

Public utilities—Safety—Accidents

SECTION 3621. *Safety.*—[The public utilities commission must, as far as practicable, be informed as to the conditions of public service plants as regards safety of the public and of the employees and may order reasonable repairs and changes needed for such safety.]

SECS. 3622, 3623. *Complaints.*—[Any person may make complaint in writing of dangerous conditions, and the name shall not be disclosed, if secrecy is requested, unless the commission decides that publicity is necessary. On receipt of such complaint, the commission shall arrange for a hearing, and may order such changes as are found to be required for safety.]

SEC. 3625. *Violations.*—[Failure to comply with orders entails liability to a fine of not over $1,000, and to double damages for personal injuries resulting from such failure.]

SECS. 3627, 3628. *Accidents.*—[Public service companies must report all accidents attended with personal injury. The commission must investigate the causes and circumstances of all fatal accidents, making record thereof, with recommendations as to methods of avoiding similar accidents in the future.]

SEC. 3649. *Contracts.*—[The commission is not authorized to interfere with contracts between public service companies and their employees.]

SEC. 3650. *Railroad trains.*—[The commission must investigate the operation and manning of trains, and make such regulations regarding the same as it may deem necessary for safety.]

Protection of employees on street railways—Inclosed platforms—Seats

SECTION 3864. *Power of commissioners.*—When the railroad commissioners deem it necessary, in the interests of the public, or of the employees concerned, that the platforms of any or all of the cars operated by any street railway company should be protected by gates or vestibules, or that fenders should be placed upon such cars, said commissioners may order the company operating such cars to inclose the platforms thereon with gates or vestibules, or both, or to place fenders upon such cars, of such kind and in such manner as they may deem necessary and proper, first giving such company reasonable notice to appear and be heard, and may, after similar notice, modify or revoke any such order. The commissioners shall have sole and exclusive jurisdiction over the inclosing of such platforms and the placing of fenders on such cars; but nothing in this section shall prevent any such company from enclosing its platforms or placing fenders on its cars without such order.

SEC. 3865. *Penalty.*—Any company operating such car or cars which shall neglect or refuse to comply with any order relating to platforms made pursuant to section 3864 shall forfeit to the State twenty-five dollars for each day of such neglect or refusal.

SEC. 3872. *Seats for motormen.*—Every company owing or operating a street railway in this State shall cause each of its cars having an air brake to be provided with a seat or stool for the use of the motorman. Any company, owning or operating any such car, which shall neglect or refuse to cause the same to be provided with a seat or stool for the use of the motorman operating the same or the person having the motive power of such car under control, shall forfeit to the State twenty-five dollars for each day of such neglect or refusal.

Payment of wages due deceased employees

SECTION 4002 (as amended 1923, ch. 44). *Payments to widows, etc.*—[When a workman dies leaving unpaid wages not in excess of $300, and no will is probated or letters of administration granted within 30 days, the debtor may in its or his discretion, on application of the surviving husband or wife, if any, or if none, of the next of kin, pay the wages due; or on application with affidavit, the same may be paid to the undertaker or the physician attending in the last illness. Proof may be required, and a bond of indemnity and proper receipt.]

Assignments of wages

SECTION 4752. *Future earnings.*—No assignment of future earnings made as security for a loan or other indebtedness shall be valid unless the amount of such indebtedness shall be stated therein, together with the rate of interest to be charged thereon, nor unless the term for which such earnings are assigned shall be definitely limited in the assignment nor unless such assignment shall bear a dated certificate of acknowledgment of the assignor made before a proper authority. No such assignment shall be valid against an attaching creditor of the assignor unless such assignment shall also be recorded before such attachment in the town clerk's office in the town where the assignor resides, or, if he resides without the State, in the town where the

employer resides, and a copy thereof left with the employer from whom the wages are to become due. All certificates of acknowledgment required herein shall bear date of the day such acknowledgment is made, and any person who shall intentionally date such a certificate of acknowledgment as of a date other than the actual date such acknowledgment is made shall be fined not more than twenty-five dollars, or imprisoned for not more than thirty days, or both.

Wages as preferred claims—In insolvency, etc.

SECTION 4920. *Insolvency.*—[Wages of a laborer or mechanic not to exceed $100, earned within the three months preceding, are preferred above other debts in cases of insolvency.]

SEC. 5007. *Administration.*—[Debts owing laborers or mechanics for labor performed within three months before the death of the employer rank next after funeral expenses, expenses of last sickness, and taxes and debts due the State and the United States.]

Employment of women and children[1]

SECTION 5301. *Manufacturing and mechanical employment.*—No minor under sixteen years of age and no woman shall be employed in any manufacturing or mechanical establishment more than ten hours in any day, or fifty-five hours in any calendar week. Every employer in such establishment shall post in a conspicuous place in every room where such persons are employed a notice, the form of which shall be furnished by the commissioner of labor and factory inspection, specifically stating the hours of work required of them on each day of the week, and the employment of any such person for a longer time on any day than so stated shall be a violation of this section.

SEC. 5302. *Mercantile establishments.*—No minor under sixteen years of age and no woman shall be employed in any bowling alley or mercantile establishment, other than manufacturing or mechanical, more than fifty-eight hours in any calendar week: *Provided*, Any employer who shall, during each year, give not less than seven holidays with pay, shall be exempt from the provisions of this section during the period from the seventeenth to the twenty-fifth day of December of each year. Every employer in such an establishment shall post in a conspicuous place in every room where such persons are employed a notice, the form of which shall be furnished by the commissioner of labor and factory inspection, stating specifically the hours of work required of such persons on each day of the week, and the employment of any such person for a longer time on any day than so stated shall be a violation of this section.

SEC. 5303 (as amended 1921, ch. 220). *Night work.*—No person under sixteen years of age shall be employed in any manufacturing or mechanical establishment after six o'clock in the afternoon; and no such minor shall be employed in any mercantile establishment after six o'clock in the afternoon on more than one day in each calendar week, except during the period from the seventeenth to the twenty-fifth day of December of each year; and no female shall be employed in any manufacturing, mechanical or mercantile establishment between the hours of ten o'clock in the evening and six o'clock in the forenoon, * * * Public bowling alleys shall be regarded as mercantile establishments within the meaning of this act.

SEC. 5304. *Enforcement.*—It shall be the duty of the commissioner of labor and factory inspection to examine and inquire into the employment of minors and women in the establishments described in the three preceding sections, and to investigate all complaints of violations thereof, and to report all cases of such violation to the prosecuting officer having jurisdiction thereof. The said commissioner shall, on or before the first day of December in each year, make a report to the governor of the number of such violations so reported by him, and of the prosecutions instituted thereon.

SEC. 5305. *Violations.*—[Violations of sections 5301, 5302 or 5303 entail a fine of not more than $20. Certificate of age is conclusive evidence upon trial.]

SEC. 5306. *Night work; hours of labor.*—No public restaurant, café, dining room, barber shop, hair dressing or manicuring establishment or photograph gallery shall employ any minor under sixteen years of age or any woman, be-

[1] For hours of labor of children see chapter 188, Acts of 1921.

tween the hours of ten o'clock in the evening and six o'clock in the morning. No such establishment shall employ any such minor or female more than fifty-eight hours in any week. The hours of labor of such minors or females shall be conspicuously posted in such establishment in such form and manner as the commissioner of labor and factory inspection shall determine. The provisions of this section shall not affect hotels. The commissioner of labor and factory inspection shall examine and inquire into the employment of such minors and women in the establishments described in this section and investigate all complaints of violations hereof and report all cases of such violation to the prosecuting officer having jurisdiction thereof. Said commissioner shall on or before the first day of December of each year make a report to the governor of the number of violations found and of the prosecutions instituted therefor. Any person violating any provision of this section shall be fined not more than one hundred dollars for each offense.

Employment of labor—General provisions

Section 5307. *Eight hours a day's work.*—Eight hours of labor, performed in any one day, by any one person, shall be a lawful day's work, unless otherwise agreed.

An agreement, express or implied, supersedes the statute. Excess of labor above eight hours can not be recovered for in absence of agreement. 37 Conn. 221.

Sec. 5308. *State institutions.*—No person shall, except in case of unavoidable emergency, be employed as a painter, carpenter, mason, electrician, machinist, engineer, fireman or plumber, in the mechanical department of any State institution, for more than eight hours in any day.

Sec. 5309. *Women bearing children.*—It shall be unlawful for the owner, proprietor, manager, foreman or other person in authority, of any factory, mercantile establishment, mill or workshop knowingly to employ a woman or permit a woman to be employed therein within four weeks previous to confinement or four weeks after she has given birth to a child. Any person who shall violate any provision of this section shall be fined not more than twenty-five dollars, or imprisoned not more than thirty days, or both.

Sec. 5310. *Vaccination of employees.*—Whoever shall employ in the manufacture of paper any person who shall not have had the smallpox or been vaccinated, shall pay to any town all expenses caused it by the sickness of such person with smallpox, contracted while so employed.

Sec. 5311 (as amended 1919, ch. 93). *Protection of employees on buildings.*—Every person employing another to perform labor of any kind in erecting, repairing, altering or painting any building or other structure who shall provide or furnish, or cause to be provided or furnished, for the performance of such labor, any rigging such as ropes, blocks, ladders, planks, trestles, brackets, or other form of supports, shall use or allow to be used ropes where acid is or may come into contact with the same [sic], any swinging scaffold or stage to be used on the exterior of such building or other structure at a greater height than thirty-five feet from the ground, shall, except as hereinafter provided, equip such scaffold or staging with a guard rail to be secured by some suitable material attached to such scaffold or staging at a height not less than thirty-four inches above the floor thereof, to be secured and braced, and to extend along the entire length of the outside of such scaffold or staging. When an extension ladder or several ladders are used for a bed stage there shall be a fall at each intersection and such intersections tied together; there shall be no more than three men on a two-fall stage, and where the falls are more than fifteen feet apart a third fall shall be used. When not in use rigging shall be housed or suitably covered and protected from the weather, and it shall be the duty of the building inspector or other officer in any city, town, or borough charged with the enforcement of the building laws, at any time or upon complaint, to inspect rigging, and when such rigging is found to be unsafe the building inspector or other officer shall give immediate written notice to the employer using the same, drawing his attention to the unsafe condition, and such rigging shall not again be used until it is made safe by the employer in accordance with the direction of the building inspector: *Provided*, Such requirement shall not apply to any scaffolding or staging exclusively used for the purpose of riveting, or to any scaffolding or staging less than four feet in length. Any contractor or owner, when constructing, in any city, a building, the plans and specifications for which require the floors to be arched between

the beams thereof, or where the floors or filling-in between the floors are of fireproof material or brickwork, shall complete such flooring or filling-in, as the building progresses, to within not more than three tiers of beams below that on which the ironwork is being erected, or shall cover with planks not less than two inches in thickness such portion of each alternate tier of floor beams as may be reasonably necessary to give protection to those employed in the erection of such building. If the plans and specifications of such building do not require filling-in between the beams of floors with brick or other fireproof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof on each story, as the building progresses, to within not more than two stories below that to which such building has been erected. Except in such buildings as are not to be lathed and plastered a temporary flooring at least eight feet wide and protected on the outer edge by a plank at least eight inches high shall be laid, as the building progresses, around the inner side of the outer walls thereof on the floor below that to which such building has been erected. If the floor beams are of iron or steel, the contractors for the iron and steel work of any building in the course of construction, or the owners of such building, shall cover with planks not less than two inches in thickness that portion of the tier of iron or steel beams on which the structural iron or steel work is being erected. The flooring, planking, or filling-in, as required by this section, shall not include such spaces as may reasonably be required for the proper construction of any such building and for the raising and lowering of material to be used in such construction or such spaces as may be designated by the plans or specifications for stairways and elevator shafts. In buildings more than three stories in height, all such places other than those used for elevating or hoisting purposes shall be protected, on each story, by a guard rail at a height of three and one-half feet and by a board at least eight inches high close to the floor. All spaces in such buildings used for elevating or hoisting purposes shall be protected at the ends thereof, if such ends are more than three feet in width, by some suitable barrier not less than five feet high, and the sides of such spaces on any story upon which the delivery of material has ceased shall he provided with a movable wooden bar at least two inches by four inches in section and of sufficient length to extend across such opening at a height of three and one-half feet above the floor. When such bar has been provided, neither the contractor nor the owner shall be responsible for any injury or damage resulting from the failure on the part of workmen, employees, or others to use said protection. The chief officer of any city charged with the enforcement of the building laws of such city is charged with the enforcement of the provisions of this act. Any person violating any of the provisions of this act shall be fined not more than fifty dollars or imprisoned not more than thirty days or both.

Sec. 5312. *Withholding wages.*—Any person or corporation that shall withhold any part of the wages of any person, because of any agreement expressed or implied requiring notice before leaving the employment shall forfeit fifty dollars, half to him who shall sue therefor, and half to the State.

This statute does not forbid an agreement, under forfeiture, that reciprocal notice shall be given. 58 Conn. 104.

Sec. 5316. *Foremen, etc., accepting fees.*—No contractor, foreman, superintendent, or supervisor of labor shall, while giving or contracting to furnish employment to any person, exact or receive any pay or fee directly or indirectly from such person for so furnishing employment. Every person violating any provision of this section shall be fined not more than fifty dollars or imprisoned not more than sixty days or both.

Sec. 5317. *Laborers' boarding houses.*—Every agent of a firm or corporation and every other person who shall maintain or have charge of any structure used as a boarding house or place of abode for laborers employed by such person, firm or corporation shall within seventy-two hours after such structure has been occupied for such purpose or purposes notify the health officer of the town, city, or borough, in which such structure is located. Such health officer within five days thereafter shall inspect such premises and may forbid the use of the same altogether, or make such other orders as he may deem necessary to protect the health of the inmates. Every person violating any provision of this section or failing to comply with any order of a health officer made pursuant to this section shall be fined not more than one hundred dollars.

Sec. 5318. *Company stores.*—Every agent of a corporation, or other person employing laborers, who shall charge or exact for articles or merchandise sold to such laborers a greater sum than is a reasonable price therefor in the

town or city where such sales are made shall be fined not more than twenty-five dollars for such sale of each separate article.

SEC. 5319. *Discounts for prepayments.*—No employer of labor, or any person acting for him, shall make a discount or deduction from the wages of any person employed by him, when the wages of the employee or any part thereof are paid at an earlier time than that at which such wages would regularly have been paid. Every person violating this section shall be fined not more than one hundred dollars.

SEC. 5320. *Duty of employer.*—It shall be the duty of the master to exercise reasonable care to provide for his servant a reasonably safe place in which to work, reasonably safe appliances and instrumentalities for his work, and fit and competent persons as his colaborers; to exercise reasonable care in the appointment or designation of a vice-principal, and to appoint as such vice-principal a fit and competent person. The default of a vice-principal in the performance of any duty imposed by law on the master shall be the default of the master.

SEC. 5321. *Seats for female employees.*—Every person, partnership, or corporation, employing females in any mercantile, mechanical, or manufacturing establishment shall furnish and provide suitable seats for the use of all females so employed, and shall permit the use of such seats by said females when they are not necessarily engaged in the active duties for which they are employed. Every person, partnership or corporation violating any provision of this section shall be fined not more than fifty dollars.

Employment of children—General provisions

SECTION 5322 (as amended 1921, ch. 212). *Age limit.*—[The employment of any child under 14 years of age in any mechanical, mercantile or manufacturing establishment, bowling alley or shoe shine parlor is forbidden.]

SEC. 5323 (as amended 1921, ch. 272). *Certificate.*—[Children under 16 years of age may not be employed in the above-named establishments without certificates issued by the school authorities, stating age, schooling (to complete six grades), and physical fitness. To determine the last, a medical examination may be had at the cost of the State.]

SEC. 5324. *Notice of employment.*—[Employers must notify the State board of education of the beginning and termination of the employment of children under 16 years of age.]

SEC. 5325. *Penalty.*—[Failure to have and keep on file open to inspection, the certificates above required, subjects employers to fines of not over $10.]

SEC. 5326. *Enforcement.*—[The school authorities, State and local, are charged with the enforcement of the act, and the State board of education may appoint agents for this purpose.]

SEC. 5327. *Vacation employment.*—[Certificates may be issued to children 14 to 16 years of age for summer vacation employment, on a showing of good physical condition.]

SECS. 5328–5331. *Dangerous occupations.*—[The employment of children under 16 years of age in specified dangerous and hazardous occupations is forbidden. For a similar list see secs. 3145, 3148, Delaware Code. Females under 16 years of age may not be employed to stand continuously. The enforcement of these provisions rests with the commissioner of labor and factory inspection. Violations entail a fine of not over $100.]

Arbitration of labor disputes—State board

SECTION 5332. *Appointment.*—During each biennial session of the general assembly the governor shall, with the advice and consent of the senate, appoint a State board of mediation and arbitration, to consist of three persons, each of whom shall hold his office for two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor, one from the party which at the last general election cast the next greatest number of votes for governor, and the other from a bona fide labor organization of this State. Said board shall select one of its number to act as clerk or secretary, who shall keep a record of the proceedings of the board, and also keep all documents and testimony submitted to said board; he shall have power to call for and examine the books, papers, and documents of the parties to all cases before said board. Said arbitrators shall be sworn before entering upon the discharge of their duties.

SEC. 5333. *Submission of grievances.*—Whenever a grievance or dispute shall arise between an employer and his employees, the parties may submit the same directly to the State board of mediation and arbitration, and notify said board or its clerk in writing. Whenever such notification is given, said board shall proceed, with as little delay as possible, to the locality of such grievance or dispute and inquire into the causes thereof. The parties shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints and causes thereof, and severally promise and agree to continue in business or at work without a strike or lockout until the decision of said board is rendered: *Provided*, It shall be rendered within ten days after the completion of the investigation. The board shall fully investigate and inquire into the matters in controversy, take testimony under oath in relation thereto, and may by its chairman or clerk administer oaths and issue subpœnas for the attendance of witnesses and for the production of books and papers.

SEC. 5334. *Decision.*—After a matter has been fully heard, the board, by a majority of its members, shall within ten days render a decision thereon in writing, signed by a majority of the members of the board, stating such details as will clearly show the nature of the decision and the points disposed of by said board. One copy of the decision shall be filed by the board in the office of the town clerk in the town where the controversy arose, and one copy shall be given to each of the parties to the controversy.

SEC. 5335. *Board may offer services.*—Whenever a strike or lockout shall occur, or is seriously threatened and it shall come to the knowledge of the board, it shall proceed, as soon as practicable, to the locality of such strike or lockout, put itself in communication with the parties of the controversy, and endeavor by mediation to effect a settlement of such strike or lockout; and may inquire into the causes of the controversy, and may subpœna witnesses and send for persons and papers.

SEC. 5336. *Reports.*—Said board shall, on or before the first of December in each year, make a report to the governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed.

SEC. 5337. *Definition.*—The term employer shall include, a firm, company, and corporation.

Factory regulations—Provisions for accidents

SECTION 5338. *Provisions required.*—Every person, firm, or corporation employing persons to work in connection with dangerous machinery in any manufacturing establishment, except those maintaining equipped first-aid-to-the-injured rooms, shall cause to be conveniently placed where such machinery is operated, subject to such change in location as the commissioner of labor and factory inspection may direct, an emergency kit for use in case of accidents. Such kit shall contain sterilized material for bandages, antiseptic cotton, and restoratives, with such other materials as are necessary in emergencies. Such materials shall be kept in a dust-proof case or cabinet within easy access of all persons employed on such premises. The executive officer of any corporation or general manager or other person, having control of dangerous machinery, who shall fail to comply with any provision of this section shall be fined not more than one hundred dollars.

Attachment of wages—Costs

SECTION 5806. *No costs without prior demand for debt.*—In any action in which wages only are attached no costs shall be taxed in favor of the plaintiff, unless it shall appear to the court or justice of the peace before which or whom such action is brought, that demand was made upon the defendant for the payment of the claim sued for, not more than thirty days nor less than three days prior to the bringing of such action.

SEC. 5809. *Limit of costs.*—In any action in which, upon the service of process, moneys due to the defendant by reason of personal services are attached, the plaintiff shall not recover of the defendant, as costs, a sum exceeding one-half of the amount of damages recovered in the action.

Exemption of wages from execution

SECTION 5945. *Amount exempt.*—[Personal earnings to the amount of $15, and the personal earnings of a minor child are exempt from attachment or

execution; but personal earnings of the defendant are not exempt where the claim is for his board or for house rent not exceeding $25 per month.]

Wages as preferred claims—In receiverships

SECTION 6088. *Amount.*—[Wages in the amount of $100, earned within the three months preceding, are preferred to the general liabilities of corporation or partnership for which a receiver has been appointed.]

Employment of children in certain occupations forbidden

SECTION 6208. *Acrobatic, etc., occupations.*—[The employment of children under 16 years of age as rope walkers, gymnasts, etc., at peddling, or in immoral or dangerous employments, is forbidden, under penalty of fine up to $250 or imprisonment to one year, or both.]

Railroads—Abandonment, etc., of locomotives or cars

SECTION 6354. *Abandonment, etc.*—Every person who shall unlawfully, maliciously, and in violation of his duty or contract, unnecessarily stop, delay or abandon any locomotive, car, train of cars, or street railway car, or shall maliciously injure, hinder or obstruct the use of any locomotive, car, railroad, street railway car, or street railway, shall be fined not more than one hundred dollars or imprisoned not more than six months.

Boycotting, blacklisting, etc.

SECTION 6358. *Penalty for intimidation.*—Every person who shall threaten, or use any means calculated or intended to intimidate, any person to compel such person, against his will, to do or abstain from doing any act which such person has a legal right to do, or shall persistently follow such person in a disorderly manner, or injure or threaten to injure his property, with intent to intimidate him, shall be fined not more than one hundred dollars, or imprisoned not more than six months.

A conspiracy to intimidate the publishers of a newspaper and compel the discharge of certain employees is within the prohibition of this section. The maintenance of a boycott against the paper and its patrons is, prima facie, a malicious and corrupt effort to commit injury. It is also a crime to seek to injure other workmen by depriving them of their employment. 55 Conn. 46.

To threaten and use means to intimidate a company against its will to abstain from keeping in its employ workmen of its own choice is within the prohibition of this section. 55 Conn. 70, 71.

Actual intimidation need not be proved, but only that such acts were done or threats made as would affect the act or choice of the ordinary man. 69 Atl. 1059.

SEC. 6359. *Preventing employee from joining union.*—Every person, and every agent or officer of any corporation who shall coerce or compel, or attempt to coerce or compel, any laborer, mechanic or other employee in the employ of such person or corporation, to agree, that as a condition of retaining his position as such employee, he will not join any labor organization, shall be fined not more than two hundred dollars or be imprisoned not more than six months or both.

SEC. 6360. *Blacklisting.*—Any person, or any officer or agent of any corporation, company or firm who shall blacklist any employee, mechanic or laborer, or publish or cause to be published the name of any employee, mechanic or laborer with the intent and for the purpose of preventing such employee, mechanic or laborer from engaging in or securing employment from any other person, corporation, company or firm, or shall in any manner conspire or contrive, by correspondence or otherwise, to prevent such employee, mechanic or laborer from procuring employment, shall be punished by a fine of not less than fifty and not more than two hundred dollars; but the provisions of this section shall not be construed so as to prohibit any person, or any officer or agent of any corporation, company or firm from giving a truthful statement of any facts concerning a present or former employee of such person, corporation, company or firm, on the application of such employee or of any person, or any officer or agent of any corporation, company or firm who may be considering the employment of such employee.

SEC. 6361. *Lists to be open to inspection.*—No person or corporation, nor any agent or attorney thereof, nor any association of persons or corporations, shall

maintain, subscribe to, belong to or support any bureau or agency conducted for the purpose of preserving and furnishing to any member thereof or to others information descriptive of the character, skill, acts or affiliations of any person whereby his reputation, standing in a trade, or ability to secure employment may be affected, unless a complete record of such information shall be open at all reasonable times to the inspection of the person to whom such information relates, or his duly authorized agent or attorney. All items of information pertaining to each person so described shall be recorded, in reasonably clear and unambiguous terms, on a single sheet or card, and all records preserved in any such bureau or agency shall be at all times open to the inspection of the commissioner of labor and factory inspector. The name of the person or corporation, together with the names of the officers of any such corporation, conducting any such bureau or agency, the exact business address of such bureau or agency, and the name of every subscriber thereto or member thereof shall be furnished promptly to the commissioner of labor and factory inspection, and by him recorded and preserved in a convenient form for public inspection. Any person or corporation, or any officer or employee of any bureau or agency subject to the provisions of this section, who shall violate any of said provisions shall be fined not less than fifty nor more than two hundred dollars for each offense. This section shall not apply to religious or charitable institutions maintained solely for humanitarian purposes; nor to agencies maintained solely for the purpose of vending employment and in which persons seeking such employment duly authorize the registration of their names and qualifications; nor to companies, agencies or associations conducted solely for the purpose of preserving records and furnishing reports of financial standing and personal or business credit; nor to the private records of employees kept by any person or corporation to be used in accordance with the provisions of section 6360.

Bribery, etc., of employees

SECTION 6444. *Influencing acts of the employees.*—Every person who corruptly gives, offers or promises to an agent, employee or servant any gift or gratuity whatever, with intent to influence his action in relation to his principal's, employer's or master's business, and every agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business, and every agent, employee or servant, who being authorized to procure materials, supplies or other articles, either by purchase or contract, for his principal, employer, or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly for himself or for another a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor, and every person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten nor more than five hundred dollars or by imprisonment for not more than one year, or both.

SEC. 6445. *Procuring disclosures.*—Every person who corruptly gives, pays, offers or promises any gift or valuable thing to any clerk, stenographer, secretary or agent of any employer for the purpose of inducing such clerk, stenographer, secretary or agent to wrongfully surrender or betray the private correspondence, books or accounts of such employer, or to wrongfully disclose the contents of such private correspondence, books or accounts, and every person who, being a clerk, stenographer, secretary or agent of any employer, corruptly requests or accepts any gift or valuable thing under an agreement to wrongfully surrender or betray, or to wrongfully disclose the contents of the private correspondence, books or accounts of such employer, or who, being a clerk, stenographer, secretary or agent of any employer, corruptly or wrongfully surrenders, betrays or discloses the contents of the private correspondence, books or accounts of such employer, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

SEC. 6446. *Giving evidence.*—No person in any prosecution under sections 6444 and 6445 shall be excused from attending, testifying, or producing books, papers, contracts, agreements and documents before any court or in obedience

to the subpœna of any court having jurisdiction, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court, or in obedience to its subpœna, or in any such case or proceeding.

ACTS OF 1919

Chapter 27.—*Factory regulations—Suction shuttles*

Section 1. *Use forbidden.*—Any person, firm or corporation engaged in weaving which shall fail to furnish suitable appliances to permit the threading of shuttles without the necessity of the operator putting any thread into his mouth or touching any portion of the shuttle with his lips, shall be fined not more than fifty dollars. The commissioner of labor and factory inspection shall enforce the provisions of this act.

Chapter 64.—*Employment of children—Certificates*

Section 1. *Conditions of issue.*—[The official issuing employment certificates has power to require all statements in support of applications to be made under oath, which he may administer. Each child must be examined physically by a physician designated by the State board of education, one-half at the expense of the town and one-half at the expense of the State.]

ACTS OF 1921

Chapter 188.—*Employment of children—Hours of labor*

Section 1. *Work time.*—[No child under 16 years of age may be employed in any mill, cannery, workshop, factory, or manufacturing establishment more than 8 hours per day or 6 days per week, or between 6 p. m. and 6 a. m.]

Sec. 2. *Enforcement.*—[Enforcement is vested in the commissioner of labor and factory inspection.]

Sec. 3. *Violations.*—[Employers or parents, etc., violating this act are subject to a fine not exceeding $20 for each offense.]

Chapter 227.—*Factory, etc., regulations*

Section 1. *Laundries.*—A public laundry shall be regarded as a manufacturing establishment within the provisions of the general statutes. No laundry work shall be done in any public laundry in a room used as a sleeping or a living room. No employer shall permit any person to work in his public laundry who is affected with pulmonary tuberculosis, scrofulous or venereal disease, or a communicable skin affection.

Chapter 266.—*Factory, etc., regulations—Toilets*

Section 1. *Power of commissioner.*—[The commissioner of labor and factory inspection is authorized to require every manufacturing, mechanical, and mercantile establishment to provide adequate toilet facilities for each sex, with provision for privacy, cleanliness, sanitation, etc.]

Sec. 2 (as amended 1923, ch. 117). *Duty of owners.*—[Owners of buildings occupied by one or more such establishments must furnish the accommodations, and the occupant or occupants maintain them.]

Sec. 3. *Enforcement.*—[It is the duty of the commissioner to enforce this law.]

Sec. 4. *Penalties.*—[Violations and offenses under this act subject the offender to a fine of not over $50 for each offense.]

ACTS OF 1923

CHAPTER 137.—*Labor organizations—Badges, etc.*

SECTION 1. *Unauthorized use.*—[The use of the registered insignia, badge, seal, button, etc., of any labor union, or of the insignia, etc., of any labor union in existence 25 years at the time of the passage of this act by a person not authorized so to do; or the use of the same to obtain assistance, or using the name, etc., of the organization, or falsely claiming membership therein, subjects the offender to a fine of not more than $500.]

CHAPTER 241.—*Employment of children—Bowling alleys*

SECTION 1. *Hours of employment.*—[Minors between 14 and 16 years of age can not be employed in bowling alleys after 6 p. m. on any day immediately preceding a school day, or after 10 p. m. at any time.]

SEC. 2. *Enforcement.*—[The commissioner of labor and industrial statistics is charged with the enforcement of this act, and must make a report thereon annually.]

SEC. 3. *Violations.*—[Violations incur penalty of not over $100 fine.]

DELAWARE

REVISED CODE—1914

Factory, etc., regulations—Sanitation of public laundries

746A, SECTION 11A (added 1915, ch. 59). *Sleeping rooms.*—[No person may sleep in any public laundry or washhouse, or room adjoining or opening thereon.]

Labor commission

[Sections 987–992, inclusive, were repealed by chapter 66, Acts of 1915, and the following sections inserted in lieu thereof:]

987, SECTION 1. *Commission created.*—A commission is hereby created and established with the powers and duties hereinafter provided, which shall be known as the "Labor Commission of Delaware." The said commission shall consist of five members, one of whom shall be appointed from among the bona fide residents of New Castle County, one from among the bona fide residents of Kent County, and one from among the bona fide residents of Sussex County; the remaining two shall be appointed at large from among the bona fide residents of the State of Delaware. On or before the first day of April, A. D. 1915, the governor shall appoint the members of the said Labor Commission of Delaware provided herein, as follows:

One member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years.

The term of office, after the first appointments made hereunder, shall be for five years, and annually, or before the first day of April, the governor shall appoint a suitable person to fill the vacancy caused by the expiration of the term of office.

In case of vacancy caused by death, resignation, refusal to serve, or otherwise, the governor shall make appointments to fill such vacancy or vacancies for the balance of the unexpired term.

988, SEC. 2. *Service without salary.*—The members of the commission shall receive no salary for their services. They shall annually elect one of their number as chairman of the said commission and may appoint a person not a member of the commission as secretary who may receive a salary not exceeding one hundred dollars per annum.

989, SEC. 3. *Powers.*—The commission shall have power and authority by a majority vote of the whole commission to make all appointments of officials or employees which may be made under any law relating to the condition, regulation or inspection of labor of minor children, or the condition, regulation or inspection of labor of females in the State of Delaware. The officers or employees so appointed shall make quarterly reports to the commission. When in the opinion of the majority of the whole commission, any official or employee appointed or engaged by the commission shall not perform his or her duty in a satisfactory and efficient manner, the commission shall have the power to remove the said official, or employee and to appoint a new official or employee in his or her stead: *Provided, however,* That no official shall be removed from office until such official shall have had a fair and impartial public hearing, and shall have been furnished with a copy of the charges and specifications of complaints upon which the action of the commission shall have been based, if such charges and specifications be requested.

990, SEC. 4. *Annual report.*—The commission shall furnish annually to the governor during the first week in January a full account of their expenditures, disbursements, and action. Such report shall at all times be open to the inspection of the citizens of the State in the office of the secretary of state.

991, SEC. 5 (as amended 1923, ch. 61). *Appropriation.*—To defray the expenses of the said commission and its officers and employees the sum of thirty-six hundred dollars is hereby appropriated annually out of the money in the State treasury not otherwise appropriated, and the State treasurer is authorized from time to time to pay said expenses out of the said appropriation upon the requisitions of the chairman of said commission.

992, SEC. 6. *Printing; appointment of inspectors.*—The Labor Commission of Delaware shall formulate and have printed certificates and papers required in the issuing of employment certificates and the abstracts of the law relating to the hours of child labor and the conditions and hours of females in this State.

The said commission shall have the power to appoint and fill vacancies in the office of the State child labor inspector, as provided by section 91 [3191] of chapter 90, of said Revised Code of the State of Delaware, and to appoint and fill vacancies in the office of the inspector [of woman labor] as provided by section 39 [3139] of the said chapter 90 of the Revised Code of the State of Delaware.

Protection of employees as voters

1789, SECTION 69. *Coercion, etc., by employers.*—If any person, or corporation existing or doing business in this State shall hinder, control, coerce, or intimidate, or shall attempt to hinder, control, or coerce, or intimidate any qualified elector of this State from or in the exercise of his right to vote at any general, special, or municipal election held under the laws of this State, by means of bribery or by threats of depriving such elector of employment or occupation, absolutely or contingently, directly or indirectly, every elector so aggrieved may, in an action of debt brought for that purpose, sue for and recover from the person or corporation so offending as aforesaid the sum of five hundred dollars.

In all trials under the provisions of this section the act or acts of any officer of a corporation, so far as they affect or concern any employee or servant of such corporation, shall be taken and held to be the act or acts of the corporation, whether general or special authority as to such act or acts from the corporation to such officer be shown or not. Nothing herein contained shall be construed to relieve any officer of a corporation from individual liability under the provisions of this section.

Wages as preferred claims—In insolvency

1971, SECTION 57. *Rank; amount.*—[Employees of insolvent corporations have a lien on their assets for two months' wages, to be paid prior to any other debt or debts; officers are not included as employees.]

Employment of labor on public works—City of Wilmington

2159, SECTION 44. *Legal day for municipal employees.*—Eight hours shall constitute a legal day's work for all classes of employees employed by the municipal corporation of the city of Wilmington.

2160, SEC. 45. *Contracts.*—[Contracts must stipulate that the eight-hour day will be observed, except in cases of extraordinary emergency.]

2161, SEC. 46. *Rate.*—[Wages must not be less than the prevailing rates in the same trade or occupation in the locality.]

2162, SEC. 47. *Violations.*—[Officers violating or permitting violations shall be suspended or removed.]

Employment of children in certain occupations forbidden

2223, SECTION 32. *Acrobatic, mendicant, etc., employments.*—Any person having the care, custody, or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away, or otherwise dispose of such minor, or any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking or dancing or as an acrobat or gymnast, or any person who, having the care, custody, or control of any minor child whatsoever, shall sell, apprentice, give away, or otherwise dispose of such minor, or who shall take, receive, or employ such minor, for begging or any obscene, indecent, or illegal exhibition or vocation or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, or any person who shall retain, harbor, or employ any minor child in or about any assignation house or brothel, shall be deemed guilty of a misdemeanor and upon conviction thereof before any justice of the peace or court of record shall be fined not less than twenty dollars nor more than one hundred dollars for each and every offense.

Employment of women—Hours of labor

3135, SECTION 35 (as amended 1917, ch. 230). *Hours per day and week; night work.*—No female shall be employed or permitted to work in any mercantile, mechanical, or manufacturing establishment, laundry, baking or printing establishment, telephone and telegraph office or exchange more than ten hours in any one day or more than fifty-five hours in any one week. If any part of a female's daily employment is performed between the hours of eleven o'clock post meridian and seven o'clock ante meridian of the following day, no such female shall be employed or permitted to work thereat more than eight hours in any twenty-four hours. No female shall be employed or permitted to work in any mechanical or manufacturing establishment, laundry, baking or printing establishment, office, or dressmaking establishment between the hours of ten o'clock post meridian and six o'clock ante meridian of the following day. The provisions of sections thirty-five to forty-three, inclusive, of this chapter shall not apply to females employed in the canning or preserving or preparation for canning or preserving of perishable fruits and vegetables.

3136, SEC. 36. *Women employed by several employers.*—Where a female is employed in the same day or week by more than one concern or employer in any establishment or occupation named in section 35 of this chapter, the total time of employment must not exceed that allowed per day or week in a single establishment or occupation. It shall be the duty of the employer to make diligent inquiry as to such previous or other employment of such female employee elsewhere, and as to the hours of such employment. Any person who shall require or permit a female to work in excess of the total time of employment permitted by this chapter, shall be liable for a violation thereof, and the employment of such female employee in excess of the total time of employment permitted by law shall be presumed, in absence of evidence to the contrary, to be with knowledge of such violation.

3137, SEC. 37 (as amended 1917, ch. 230). *Rest period.*—No female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section 35 of this chapter, without an interval of at least three-quarters of an hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past one o'clock in the afternoon, and if she is then dismissed for the remainder of the day.

3138, SEC. 38. *Hours to be posted.*—Every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section thirty-five of this chapter, in which any females are employed, a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the said inspector. The employment of such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of sections 35 to 43, inclusive, of this chapter. The presence of any such female on the premises at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of said sections. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspector authorized to enforce said sections may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce said sections.

3139, SEC. 39 (as amended 1923, ch. 201).—*Inspector; appointment: term of office; salary.*—The chancellor is authorized and directed, on or before the first day of May, A. D. nineteen hundred and thirteen, and biennially thereafter, to appoint one inspector to carry out the purposes of sections 35 to 43, inclusive, of this chapter, at a salary of one thousand dollars per annum, to be paid in quarterly installments of two hundred and fifty dollars each by the State treasurer, out of any State funds in his hands not otherwise appropriated. The term of office of said inspector shall be two years from the date of such appointment.

3140, SEC. 40. *Right of access.*—The inspector authorized by section 39 of this chapter, may in the discharge of the inspector's duties enter any place, building or room where any labor is being performed by females which is affected by the provisions of sections 35 to 43, inclusive, of this chapter, whenever such inspector may have reasonable cause to believe that any such labor is being performed therein.

3141, SEC. 41. *Duties.*—The said inspector shall visit and inspect the establishments and places of employment named in section 35 as often as practicable, during reasonable hours, and shall cause the provisions of sections 35 to 43, inclusive, of this chapter, to be enforced therein, and shall report any cases of illegal employment, contrary to the provisions of said sections, to the attorney general; the said inspector shall report in writing, at least once every year to the State board of health. The said report shall show—1. The number of establishments in the State where females are employed. 2. The number of females employed. 3. The number of inspection visits made. 4. The number of violations. 5. The number and dispositions of prosecutions under said sections, and in addition thereto, any matters in the knowledge of the said inspector pertinent to the purpose and enforcement of said sections.

The State board of health shall incorporate such report or reports in its regular biennial printed report.

3142, SEC. 42. *Violations.*—[Penalty for first offense, fine of from $20 to $50; second, from $50 to $200; third, not less than $250.]

3143, SEC. 43. *Validity.*—The invalidity of any portion of sections 35 to 43, inclusive, of this chapter, shall in no way effect the validity of any other portion thereof, which can be given effect without such invalid part.

Employment of children—General provisions

[Sections 3144, sec. 33, to 3192, sec. 92, were repealed by ch. 232, Acts of 1917, and sections 3144, sec. 44, to 3173, sec. 73, enacted in lieu thereof.]

3144, SECTION 44. *Age limit.*—[Forbids the employment of any child under 44 years of age where work is done for compensation, except farm labor and private domestic service.]

3145, SEC. 45 (as amended 1923, ch. 202). *Dangerous employments.*—No child under sixteen years of age shall be employed, permitted or suffered to work in operating or assisting in operating steam boilers or blast furnaces or any of the following machines, which, for the purposes of this act, are considered dangerous: Circular saws, wood shapers, wood jointers, paper-lace machines, job or cylinder printing presses operated by power or other than foot power, stamping machines used in sheetmetal and tinware or in paper and leather manufacturing, or in washer and nut factories; metal or paper cutting machines; corrugating rolls, such as are used in making corrugated paper, or in roofing or washboard factories; dough-brakes or cracker machinery of any description, wire or iron straightening or drawing machinery, rolling-mill machinery, power punches or shears, washing or grinding or mixing machinery, calendar rolls in paper and rubber manufacturing, or other heavy rolls driven by power, passenger elevators or lifts, or upon or in connection with any dangerous electrical machinery or appliances. Nor shall any child under sixteen years of age be employed, permitted or suffered to work, in any capacity, in adjusting, or assisting in adjusting, any belt to any machinery, or in proximity to any hazardous or unguarded belts, machinery or gearing, or in oiling, wiping, or cleaning machinery, while any of the same is in motion, nor on scaffolding, nor in heavy work in the building trades, nor about docks or wharves, nor in stripping or assorting tobacco, nor in, about or in connection with any processes in which dangerous or poisonous acids are used, nor in the manufacture or packing of paints, colors, white or red lead, nor in the manufacture or preparation of compositions with dangerous or poisonous gases, nor in the manufacture or use of dangerous or poisonous dyes, nor upon any railroad, steam, electric or otherwise; nor upon any vessel or boat engaged in the transportation of passengers or merchandise, nor in operating motor vehicles of any description, nor in any tunnel or excavation, nor in, about or in connection with any mine, quarry, coal breaker or coke oven, nor in or about any distillery, brewery, or any establishment where alcoholic liquors are manufactured or bottled.

3146, SEC. 46. *Certificates.*—[Certificates required to 16 years of age.]

3147, SEC. 47. *Theatrical performances.*—[Requires permits for children under 16 years of age in theatrical performances.]

3148, Sec. 48. *Employment under 18.*—No person under eighteen years of age shall be employed, permitted, or suffered to work in the outside erection or repair of electric wires; in the running or management of hoisting machines or of dynamos; in the operation or use of any polishing or buffing wheel; at switch tending; at gate tending; at track repairing; as a brakeman, fireman, engineer, motorman or conductor upon any railroad or railway; as a railroad telegraph operator; as a pilot, fireman, or engineer of any boat or vessel engaged in the transportation of passengers; nor in or about any establishment where gunpowder, nitroglycerin, dynamite, or other high or dangerous explosives are manufactured or compounded.

3150, Sec. 50. *Messengers.*—[Forbids messenger or delivery service by minors between 10 p. m. and 6 a. m. in cities of more than 20,000 inhabitants.]

3151, Sec. 51, 3158, Sec. 58. *Issue of certificates.*—[Certificates issue on evidence of age, schooling through fifth grade, medical certificate, and employer's statement of intention to employ. The school authorities are the issuing agencies. Provisional certificates for vacation employment are provided for.]

3159, Sec. 59 (as amended 1923, ch. 203). *Work time.*—[Forbids the employment of children with certificates more than 6 days or 48 hours per week, or more than 8 hours per day, nor without 30 minutes' rest between 11.30 a. m. and 2 p. m., after not more than 5 hours' work; no work between 7 p. m. and 6 a. m.]

3160, Sec. 60. *Names to State inspector.*—[Issuing officers must send names of children holding certificates to State child labor inspector.]

3160–a, Sec. 60–a (added 1923, ch. 204). *Street trades.*—[Applies to street trades in cities of over 20,000 inhabitants; girls under 12 years of age and boys under 14 may not engage; includes delivery of newspapers. Badges required to 16 years of age. No employment under 16 after 7 p. m. or before 6 a. m., nor during school hours.]

3161, Sec. 61. *Labor necessary.*—[A child whose labor is required for its own or its family's support may receive a certificate, if recommended by the inspector after investigation, though unable to meet the requirements of the law.]

3162, Sec. 62 (as amended 1923, ch. 205). *State child labor inspector.*—[Labor commission appoints for term of 4 years; must have no other gainful occupation; salary $2,100.]

3163, Sec. 63. *Duties.*—[Inspector must visit establishments and enforce the law.]

3164, Sec. 64. *Evidence.*—[Failure to produce certificate or refusal of child to give inspector his name, age, and place of residence is prima facie evidence of illegal employment.]

3165, Sec. 65. *Children without certificates.*—[Inspector may demand evidence of age of child apparently under age, who has no certificate, which evidence must be furnished in 10 days, or child cease work.]

3168, Sec. 68. *Repeated offenses.*—[Provides increasing penalties for repeated violations.]

3171, Sec. 71. *Canneries.*—[Children over 12 years of age may be employed in canning or preserving perishable fruits and vegetables.]

Wages as preferred claims—In administration

3372, Section 39. *Rank.*—[Makes wages of farm and domestic servants or laborers for not more than a year rank next after funeral expenses and expenses of last sickness.]

Payment of wages due deceased employees

3380, Section 47. *To whom wages may be paid.*—It shall be lawful for any employer in this State, at any time not less than fifteen days after the death of any person in his or its employ, to pay all wages due to such deceased employee to the wife, children, father, or mother, sister, or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages due do not exceed seventy-five dollars in amount: *Provided, however,* That if such deceased employee shall not leave a wife, children, father, mother, sister, or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee to the creditors, as follows: Undertaker, physician, boarding-house keeper, and nurse, each his or

her pro rata share of wages, not exceeding seventy-five dollars, due the deceased, upon affidavit of fact furnished, without letters of administration being issued.

The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Fire escapes on factories, etc.

3460, SECTION 25. *Fire escapes to be provided for certain buildings.*—The owner or owners of any building * * * being more than two stories in height and which shall be used in the third or any higher story, in whole or in part as a * * * factory or workshop, or as a tenement house * * * shall be required to furnish such building with sufficient permanent fire escapes from the third and all higher stories, and which escapes shall be kept and maintained in good order. Such fire escapes may be by means of stairways or ladders outside the building, or by stairways in a separate tower or structure furnished with safe and easy communication with such building: *Provided*, That sections 25 to 28, inclusive, of this chapter, shall not apply to any building whatever that is already supplied with two or more independent stairways leading from the highest story to the ground floor, if said stairways shall not be nearer to each other at any point than a distance of sixty feet.

3461, SEC. 26. *Inspection.*—[Chief engineers, if any, of local fire department, or if not, then mayor or chief local officer shall examine fire escapes as to suitableness, sufficiency, etc., and give certificate valid for two years if approved.]

Railroad employees—Abandonment, etc., of locomotives or cars—Strikes

3495, SECTION 60. *Strikes.*—If any locomotive engineer, upon any railroad within this State, who shall, at the time, be engaged in any strike, or with a view to incite others to such strike, or in furtherance of any combination or preconcerted arrangement with any other person or persons to bring about or produce such strike, shall abandon the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to proceed with said train to the place of destination, as aforesaid, every such person, so offending, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof by indictment, be fined not less than one hundred nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

3496, SEC. 61. *Refusing to move cars of another company.*—If any locomotive engineer, or railroad employee, within this State, for the purpose of furthering the object of, or lending aid to, any strike or strikes organized or attempted to be maintained on any other railroad, either within or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company, or receive therefrom in course of transit where strikes are, either then, or may have been, organized or attempted to be maintained, as aforesaid, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than one hundred, nor more than five hundred, dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

3497, SEC. 62. *Interfering with employee.*—If any person in aid or furtherance of the objects of any strike upon any railroad within this State, shall interfere with, molest or obstruct any railroad employee engaged in the discharge and performance of his duty, as such, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment, shall be fined not less than one hundred, nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

3498, SEC. 63. *Obstructing track, etc.*—If any person or persons, in aid or furtherance of the objects of any strike, shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or any other property of any railroad company, or shall take possession of or remove any such property, or shall prevent, or attempt to prevent, the use thereof by such railroad company or its employees, or shall, by offer of recompense, induce any employees of any railroad company within this State, to leave the service

of such company, every such person, so offending, shall be deemed guilty of a misdemeanor, and, upon conviction thereof by indictment, shall be fined not less than five hundred, nor more than one thousand, dollars, and may be imprisoned, not less than six months, nor more than one year, at the discretion of the court.

3499, SEC. 64. *Abandoning train, etc.*—If any conductor, baggage master, brakeman, or other trainman, employed on either a freight or passenger train, on any railroad within this State, shall abandon the train to which he is so attached, or with which he is connected in furtherance of any strike, or with a view of inciting others to such strike, or in aid of any others who may be engaged in such strike, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to proceed with such train to its place of destination, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Protection of employees on street railways

3505, SECTION 70. *Inclosure.*—[Requires front and rear platforms of surface street cars in cities to be inclosed from the front and at least one side, so as to protect employees; cars used outside city limits to be completely inclosed. Law applies from November to April, both inclusive; does not affect trailers.]

Assignments and garnishment of wages

3562, SECTION 127. *Who may accept.*—[Makes it unlawful for any person or corporation not having a known place of business within the State to accept wage assignments as security for money loaned.]

4129, SEC. 12. *Payments on usurious debts.*—It shall be unlawful for any employer in this State to knowingly pay any warrant or order, issued by any employee against his or her salary and intended to be in payment or part payment of any indebtedness due any person, firm or corporation for borrowed money, in cases where a greater rate of interest than six per cent per annum has been received or charged for such borrowed money.

[If an employer is summoned as garnishee and the employee claims that interest charges exceed 6 per cent, if this is proved, the garnishee is to be discharged. Employers violating the act are guilty of a misdemeanor.]

ACTS OF 1915

CHAPTER 228.—*Factory, etc., regulations—Canneries—Inspector*

SECTION 2. *Appointment.*—On or before the first day of June, A. D. 1915, and on or before the first day of June biennially thereafter, the governor shall appoint and assign an efficient person, who shall be a citizen of this State, and one who has a thorough knowledge of the canning business, who shall be known and designated by the official title of "cannery inspector." He shall hold office for one year from the first day of June, or he may be dismissed and his commission revoked at any time, for cause, by the governor.

SEC. 3. *Duties.*—It shall be the duty of the "cannery inspector" to visit and inspect, at reasonable hours, and as often as practicable, all factories and establishments in this State in which fruits, vegetables, or by-products thereof, are packed and preserved in tin or glass cans or jars, or other containers, to be sold as food, and to enforce the correction of all unsanitary conditions and practices found therein; and it shall be his special duty to enforce the laws, rules and regulations provided in this act.

The "cannery inspector" shall make a written report to the governor of each and every violation of this law immediately upon such violation being made, and he shall also make an annual report to the governor on or before the first day of January in each and every year. The annual report shall set forth the condition of each factory as to sanitation, whether the provisions of this act are being complied with, and such other matters and things as may be relevant thereto, and he shall furnish such other information concerning this act, from time to time, as may be required by the governor.

SEC. 4. *Certificates.*—The "cannery inspector" shall, on the first day of October in each year, furnish to each person, firm or corporation operating a factory affected by this act, that shall have complied with the provisions hereof during the year immediately preceding said first day of October, a certificate of inspection under the hand of the "cannery inspector," setting forth that such factory has been inspected and all laws, rules and regulations for the year immediately preceding the date of the certificate have been fully complied with.

SEC. 5. *Rules.*—The "cannery inspector" in the discharge of his duties under the provisions hereof, shall be governed by the following rules and regulations, which are hereby made the law of this State:

All persons, firms or corporations, operating factories affected by this act, shall be subject to the following rules, regulations and requirements.

All rooms in which fruits, vegetables, or by-products thereof, are packed and preserved, and in which manufacturing is actually carried on, shall be provided with smooth, water-tight floors which can be properly cleansed.

Adequately equipped wash stations and places where employees may change their clothing and hang the clothes not in use, shall be provided for male and female employees. These wash stations shall be provided with sufficient water, soap and sanitary towels.

Separate toilet rooms shall be maintained for male and female employees.

Living quarters, if provided by the canner, shall have waterproof roofs and tight board floors, and shall be provided with ample light and ventilation, and provision shall be made therein for the proper separation and privacy of sexes.

Adequate drainage shall be provided to lead all waste liquids outside and away from the buildings.

All machinery used shall be kept in a clean and sanitary condition by the use of steam or water, and also all floors and toilet rooms shall be kept in a sanitary condition.

No litter, drainage or waste matter of any kind shall be allowed to collect in or around the buildings, and the surroundings shall be kept in a clean and sanitary condition. Occupants of living quarters provided by the canner shall be required to keep the same in a clean and sanitary condition.

Employees in factories affected by the provisions of this act shall be subject to the following rules, regulations and requirements:

Employees are prohibited from smoking or spitting in any room in the cannery where foods are being prepared for canning.

Female employees who work where foods are being prepared for canning shall wear clean aprons or dresses made of washable fabrics and shall also wear clean, washable caps over their hair.

Employees with infected wounds in the hands or arms are prohibited from handling food products, or the containers in which they are placed, before such containers are sealed or capped. Clean cuts, which are not infected shall be covered with rubber cots securely fastened.

SEC. 6. *Law to be posted.*—The "cannery inspector" shall have prepared and printed, abstracts of this law, and shall furnish every person, firm or corporation in this State, effected [affected] by this act, with a reasonable number of printed abstracts, and such printed abstracts shall be posted in at least five conspicuous places in each factory affected by this act, and they shall be kept posted in plain view so that they can be easily read by the employees. If persons are employed who do not understand the English language, suitable translations, or so much of the law as affects the employees, shall also be posted in languages with which they are familiar, and such translations shall be furnished by the said "cannery inspector" upon application by the owner.

SEC. 9. *Entering working places.*—The "cannery inspector" provided for in this act, is hereby authorized and empowered to enter upon the premises of any factory in this State engaged in the business herein set forth, for the purpose of inspecting and enforcing the provisions of this act, and any person, firm or corporation engaged in the business aforesaid, refusing access to the said officer, or in any way interfering with said officer in the exercise of his duties, when over [other] penalties are not provided in this act, shall be guilty of a misdemeanor and upon conviction thereof in the court of general sessions, shall be fined in a sum not exceeding one hundred dollars for each offense. In default of the payment of any fine that may be imposed under the provisions of this act, imprisonment may be imposed, for a term, in the discretion of the court, in lieu thereof.

SEC. 10. *Salary.*—The annual salary of the "cannery inspector" shall be one thousand dollars, payable in quarterly installments of two hundred and fifty dollars each. There shall also be allowed to the "cannery inspector" for contingent expenses the sum of five hundred dollars, to be paid to him in like quarterly installments.

The salary and contingent expenses aforesaid shall be paid by the State treasurer out of moneys in the treasury not otherwise appropriated.

ACTS OF 1917

CHAPTER 231.—*Factory, etc., regulations—Sanitation*

SECTION 1 (as amended 1921, ch. 187). *Toilets.*—[Suitable and accessible water-closets or privies must be supplied where women are employed; and if men are also employed, separate provision must be made for the sexes, properly marked, ventilated, and kept in a cleanly condition. If more than 15 women are employed, one closet must be provided for each 25 employees.]

SEC. 2. *Seats.*—[At least one seat for each three females must be provided and their use permitted; they must be conveniently accessible during working hours.]

SEC. 3. *Dressing rooms.*—[Washing facilities must be furnished for female employees, one spigot or basin for each 25; and if change of clothing is necessary or customary, a suitable room with lockers or hangers and seats must be furnished, separated from the toilet compartment.]

SEC. 4. *Lunch rooms.*—In every establishment in which white lead, arsenic, nicotine or other poisonous or injurious substances, fumes or gases are present, or in which dust, lint, or particles of material are created by the machinery or by the material in the process of manufacture, and in which females are employed or permitted to work, there shall be provided a suitable room, free from the aforesaid substances, fumes, gases, dust, line [lint], or particles of material, for the use of such employees during the time allowed for meals [when] they shall not be permitted to remain in any room where the aforesaid substances, fumes, gases, dust, lint, or particles of material shall be present. In such establishments washing facilities shall be provided, including hot water, soap, and individual towels or paper-tissue towels.

SEC. 5. *Air space.*—In every establishment named in section one of this act in which females are employed or permitted to work, there shall be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment where persons are employed. In aforesaid establishments all workrooms shall be adequately heated and ventilated, and all workrooms, halls, and stairways shall be kept in a clean and sanitary condition and properly lighted.

SEC. 6. *Exhaust fans.*—In every establishment in which poisonous fumes or gases are present, or in which poisonous or injurious dust, line [lint] or particles of material are created by the machinery or by the material in the process of manufacture and in which females are employed or permitted to work, there shall be provided proper hoods and pipes connected with exhaust fans of sufficient capacity to remove such fumes, gases, dust, lint, or particles of materials at the point of origin and prevent them from mingling with the air of the room, and such fans shall be kept running constantly while such fumes, gases, dust, lint, or particles of material shall be generated or present.

SEC. 7. *Drinking water.*—A sufficient supply of clean and pure water and individual drinking cups or a sanitary fountain shall be provided in every establishment named in section one of this act in which females are employed or permitted to work. If drinking water is placed in receptacles, such receptacles shall be properly covered to prevent contamination and shall at all times be kept thoroughly clean. No employer in any such establishment shall collect from any employee money for ice or water furnished for drinking purposes.

SEC. 8 (as amended 1921, ch. 187). *Enforcement.*—It shall be the duty of the inspectors appointed by the Labor Commission of Delaware to enforce the provisions of this act. The inspectors shall visit and inspect establishments, and shall have the power whenever they have reason to suppose that work is being performed to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. The inspectors shall investigate all complaints of violation of this act received by said inspectors, and institute prosecutions for the violations of the provisions thereof.

The State Board of Health of Delaware shall determine what are poisonous fumes and gases and what are poisonous or injurious dust, lint, or particles

of materials, as set out in section six of this act, and the Labor Commission of Delaware shall determine the definition of all other terms used in this act; and shall have power to adopt and promulgate suitable rules and regulations for effectively carrying out the provisions of this act; but the decision of either the State Board of Health of Delaware or the Labor Commission of Delaware shall not be final, but subject to appeal to the Court of General Sessions of the State of Delaware in and for the county of the person appealing, or in case the appeal be prosecuted by the Labor Commission of Delaware, from the decision of the State Board of Health, then in and for the county wherein said poisonous fumes or gases or poisonous or injurious dust, lint, or particles of material are created.

The inspectors shall keep records of all visits or inspections made and of all written orders given by the aforesaid inspectors. The inspectors shall keep records of all complaints of violation of this act received by them and of all prosecutions instituted, with the result of each prosecution.

In the enforcement of the provisions of this act, the inspectors shall give proper notice in regard to violation of this act to the person or corporation owning, operating or managing any such establishment. Such notice shall be written or printed and signed officially by the inspector, and said notice may be served by delivering the same to the person on whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by mail.

If found necessary to make changes in or additions to any establishments named in section 1 for ventilation, sewerage, water closets, or plumbing, the inspector shall require the owner of the building in which such establishment is situated to provide the necessary changes, additions, or improvements, if they are of a permanent character and will become the property of the owner of the building in which such establishment is located.

Compliance with the written order of the inspector must be within the number of days specified by him in his order. Appeal from the decision of the inspector may be made to the Labor Commission of Delaware. Such appeal must be made in writing within ten days of receipt of the inspector's order.

SEC. 9. *Violations.*—[Violations are punishable by a fine of $10 to $50 for a first offense, and not less than $25 nor more than $200 for subsequent offenses.]

CHAPTER 234.—*Protection of employees on buildings*

SECTION 1. *Scaffolding, etc., to be furnished.*—A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended from an overhead support, or erected with stationary supports, more than twenty feet from the ground or floor, except scaffolding wholly within the interior of a building and which covers the entire floor space of any room therein, shall have a safety rail of suitable material, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with such openings as may be necessary for the delivery of materials, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 2. *Floors to be filled in.*—All contractors and owners, when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brickwork, shall complete the flooring or filling in as the building progresses to not less than within three tiers of beams below that on which the ironwork is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material all contractors for carpenter work, in the course of construction, shall lay the underflooring thereon on each story as the building progresses to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor two stories below the story where

the work is being performed. If the floor beams are of iron or steel, the contractors for the iron and steel work of buildings in course of construction or the owners of such buildings shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts. If elevators or elevating machines are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a barrier at least eight feet in height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edge of such shaft or opening.

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

ACTS OF 1919

CHAPTER 68.—*Inspection of steam boilers—Board of boiler rules*

SECTIONS 1–6. *Appointment, duties, etc.*—[The governor appoints for terms of four years each a board of 5 competent persons charged with the duty of formulating rules and regulations for the safe and proper construction and use of steam boilers. Rules, etc., are to conform as nearly as possible to the boiler code of the American Society of Mechanical Engineers, and are to be effective and binding on approval of the governor and attorney-general, but not for six months if changes in methods of construction or character of material are involved. Penalties are provided for violations by manufacturers or users.]

ACTS OF 1921

CHAPTER 160.—*Employment of children—School attendance*

SECTION 41. *Requirement.*—[Requires school attendance for 160 days, as nearly consecutive as possible, of all children 14, 15 or 16 years of age, who have not completed the eighth grade, "if not regularly or legally employed to labor at home or elsewhere," unless excused on account of mental or physical condition.]

SEC. 46. *Certificates, etc.*—[Employment certificates and badges required by law are issued by the State superintendent, or superintendents of special school districts, or by persons designated by them. Principals or head teachers must sign the necessary records.]

DISTRICT OF COLUMBIA

CODE—1901

(As amended January 31 and June 30, 1902)

Employment of children in certain occupations forbidden

SECTION 814. *Acrobatic, etc., occupations.*—[The employment of children under 14 years of age in acrobatic, mendicant, etc., occupations is forbidden. See similar law of Delaware, sec. 2223 of Code.]

Hours of labor on public works

SECTION 892 (as amended 1912–13, ch. 106).

[See under United States, secs. 8918–8920]

Exemption of wages from attachment, etc.

SECTION 1107. *Amount.*—[Monthly earnings, not to exceed $100, of actual residents of the District who provide for the support of a family therein, for not more than two months prior to the issue of process, are exempt from attachment, etc.]

APPENDIX

Liability of railroad companies for injuries to employees

(Page 412)

Hours of labor of employees on railroads

(Page 415)

[For above laws, see under United States, secs. 8657–8665, 8677–8680]

Employment of children—General provisions

(Page 441)

SECTION 1. *Age limit.*—[No child under 14 years of age may work in any factory, workshop, mercantile establishment, business office, telegraph or telephone office, restaurant, hotel, theater, bowling alley, laundry, as bootblack, or in messenger or delivery service or in any work for wages whatever during school hours; nor between 7 p. m. and 6 a. m. Children over 12 years of age whose labor is necessary for their own or the family support, may be granted limited and revocable permits.]

SEC. 2. *Certificates.*—[Age and schooling certificates required to 16 years of age.]

SECS. 3–5. *Issue of certificates.*—[Evidence of age and of ability to read and write are required.]

SEC. 6. *Violation.*—[Violation a misdemeanor.]

SEC. 7. *Enforcement.*—[Enforcement by special inspectors.]

SEC. 8. *Work time.*—[Employment in establishments named in section 1 of children under 16 years of age for more than 8 hours per day or 48 per week, or between 7 p. m. and 6 a. m. is forbidden.]

SEC. 9. *Posting.*—[Schedule of work hours to be posted in places of employment.]

SEC. 10. *Inspectors.*—[Two inspectors are to be appointed.]

SECS. 11–15. *Street trades.*—[Boys under 10 years of age or girls under 16 may not be bootblacks or sell newspapers, etc., on streets. Permits and badges required for boys to age of 16, to be issued free of charge. Holders may not sell between 10 p. m. and 6 a. m.]

[The following laws, though not embodied in the Code, are in force in the District of Columbia:]

ACTS OF 1894–95

CHAPTER 192.—*Seats for female employees*

SECTION 1. *Seats to be provided.*—All persons who employ females in stores, shops, offices, or manufactories as clerks, assistants, operatives, or helpers in any business, trade, or occupation carried on or operated by them in the District of Columbia, shall be required to procure and provide proper and suitable seats for all such females and shall permit the use of such seats, rests, or stools, as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such stools or seats when any such female employees are not actively employed in their work in such business or employment.

SEC. 2. *Violations.*—[Violations incur penalty of not to exceed $25 fine with costs.]

ACTS OF 1897–98

CHAPTER 8.—*Inspection and regulation of factories, etc.—Toilet facilities*

SECTION 9. *Requirement.*—[Every building in which persons are employed in any trade or business must be provided with sufficient and suitable toilet facilities, having regard to the number of employees; and if women are employed, separate accommodations must be furnished.]

ACTS OF 1904–5

CHAPTER 1434.—*Protection of employees on street railways*

SECTIONS 1, 2. *Inclosure.*—[The place where the motorman stands must be inclosed so as to protect him from inclement weather, from November 1 to April 1.]

ACTS OF 1905–6

CHAPTER 957.—*Fire escapes on factories, etc.*

SECTION 2 (as amended 1906–7, ch. 2566). *Fire escapes required.*—It shall be the duty of the owner entitled to the beneficial use, rental, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, except three-story buildings used exclusively as stores or for office purposes, and having at least two stairways from the ground floor each three or more feet wide and separated from each other by a distance of at least thirty feet, from one of which stairways shall be easy access to the roof, to provide and cause to be erected and affixed thereto a sufficient number of * * * fire escapes, [of such material, type, and construction as the Commissioners of the District of Columbia may determine] the location and number of the same to be determined by the said Commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

SEC. 3 (as amended, 1906–7, ch. 2566). *Signs, lights, etc.*—It shall be the duty of the owner entitled to the beneficial use, rental, or control of * * * any building in which ten or more persons are employed, as set forth in section two of this act where fire escapes are required, also to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, fire hose, and fire extinguishers in such location and numbers and of such type and character as the Commissioners of the District of Columbia may determine.

SEC. 5 (as amended 1906–7, ch. 2566). *Elevator shafts.*—Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with fireproof doors. * * *

SEC. 6. *Obstructions.*—It shall be unlawful to obstruct any hall passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

SEC. 7. *Same.*—No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any encumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

SEC. 8. *Licenses refused, when.*—No license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

SECS. 9, 10. *Violations; notice.*—[Violations are punishable by a fine of not less than $10 nor more than $100, with added penalty of $5 for each day's continuance. Notice to erect escapes must be complied with within 90 days unless the time is extended in the discretion of the commissioners.]

CHAPTER 3054.—*Employment of children—School attendance*

SECTION 1. *Attendance required.*—[Requires attendance to 14 years of age.]

SEC. 5. *Violations.*—[Any person knowingly employing any child unlawfully absent from school is guilty of a misdemeanor.]

CHAPTER 3056.—*Police—Membership in labor organizations*

SECTION 1. * * * * *

Paragraph 9 (as amended 1919–20, ch. 1, 41 Stat. 364). *Organizations barred.*—No member of the Metropolitan police of the District of Columbia shall be or become a member of any organization, or of an organization affiliated with another organization, which itself, or any subordinate, component or affiliated organization of which holds, claims, or uses the strike to enforce its demands. Upon sufficient proof to the Commissioners of the District of Columbia that any member of the Metropolitan police of the District of Columbia has violated the provisions of this section, it shall be the duty of the Commissioners of the District of Columbia to immediately discharge such member from the service.

Any member of the Metropolitan police who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the police force in the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or by imprisonment of not more than six months, or by both.

No officer or member of the said police force, under penalty of forfeiting the salary or pay which may be due him, shall withdraw or resign, except by permission of the Commissioners of the District of Columbia, unless he shall have given the major and superintendent one month's notice in writing of such intention.

CHAPTER 3438.—*Employment offices*

SECTION 1. [Definitions.]

SEC. 2. *License.*—[License from commissioners is required.]

SEC. 3. *Applications.*—[Applications must specify names of persons desiring license, and place business is to be conducted. Annual license fee is $25. Applicants must be of good character.]

SEC. 4. *Bond.*—[Bond must be given in the sum of $1,000, conditioned on the performance of all requirements and duties under the act; also for the benefit of persons aggrieved by the misconduct of the licensed person.]

SEC. 5. *Statements in licenses.*—[Licenses must give names of licensees and show place of business.]

SEC. 6. *Restrictions.*—[Agencies may not be conducted in boarding or lodging houses. No application may be received for a child who can not be employed lawfully.]

SEC. 7. *Registers.*—[Registers must be kept showing names, addresses, work requested, fees received, etc.]

SEC. 8. *Fees.*—[Employers asking for help may be charged $2 for each employee desired, the fee to secure service for 30 days. Applicants for work may be charged $1, one-half to be returned on demand if no fair opportunity of employment is secured in 15 days. If wages are $25 per month or more, another dollar may be charged. The whole and any travel costs must be refunded if no actual vacancy existed. Receipts must be given for all fees received. Dividing fees with contractors or agents is forbidden.]

SEC. 9. *Enticing; outside employment.*—[Forbids inducing domestic employees to leave service; requires full details to be given for employment offered outside the city.]

SEC. 10. *Immoral resorts.*—[Forbids sending females to any place of bad repute.]

SEC. 11. *Enforcement.*—[Enforcement is in hands of District Commissioners.]

ACTS OF 1911–12

CHAPTER 174.—*Hours of labor on public contracts*

[See under United States, secs. 8921, 8922]

ACTS OF 1912–13

CHAPTER 150.—*Public service employees—Hours of labor—Wages—Accidents*

SECTION 8. * * *

PARAGRAPH 6. *Information covered in report.*—* * * The [public utilities] commission shall also ascertain in detail the gross and net income of the public utility from all sources, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this paragraph is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

PAR. 89. *Reports of accidents.*—Every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith.

ACTS OF 1914

CHAPTER 28.—*Employment of women—Hours of labor*

SECTION 1. *Scope of act.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than eight hours in any one day or more than six days or more than forty-eight hours in any one week.

SEC. 2. *Nightwork.*—No female under eighteen years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section one of this act before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening of any one day.

SEC. 3. *Continuous employment.*—No female shall be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in section one of this act in which three or more such females are employed without an interval of at least three-quarters of an hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half past one o'clock in the afternoon and if she is then dismissed for the remainder of the day.

SEC. 4. *List to be posted.*—Every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section one of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends,

and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

SEC. 5. *Record.*—Every employer shall keep a time book or record for every female employed in any establishment or occupation named in section one of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record, or makes any false statement to an official authorized to enforce this act in reply to any question put in carrying out the provisions of this act, shall be liable for a violation thereof.

SEC. 6. *Inspectors.*—The Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act at a compensation not exceeding $1,200 each per annum.

SEC. 7. *Entering rooms, etc.*—The inspectors authorized by this act may in the discharge of their duties enter any place, building, or room where any labor is being performed by females which is affected by the provisions of this chapter whenever such inspectors may have reasonable cause to believe that any such labor is being performed therein.

SEC. 8. *Inspection.*—The inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section one as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March second, eighteen hundred and ninety-five. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

SEC. 9. *Violations.*—Any person who violates or does not comply with any of the provisions of this act shall upon conviction be punished for a first offense by a fine of not less than $20 nor more than $50; for a second offense, by a fine of not less than $50 nor more than $200; for a third offense, by a fine of not less than $250.

It has been ruled by the corporation counsel of the District that this act does not apply to the female employees of the United States in the District.

It is constitutional. Earnshaw *v.* Newman, 43 Wash. Law Rep. 198.

Dressmaking is manufacturing within the meaning of this act. Hotchkiss *v.* District of Columbia, 43 Wash. Law Rep. 706.

FLORIDA

REVISED GENERAL STATUTES—1920

Private employment agencies—Tax

SECTION 890. *Who to pay.*—Employment agencies and intelligence offices: Owners or managers of, in cities and towns of ten thousand inhabitants or more, shall pay a license tax of ten dollars.

Stevedores

SECTIONS 2451, 2452. *Licensing.*—[Licenses may be granted by a board of commissioners of pilotage to a sufficient number of competent and trustworthy persons to act as stevedores, such license to be valid during good behavior. A bond of $200 is required.]

SEC. 2453. *Rights of masters.*—Nothing in this chapter shall be so construed as to prevent any master of a ship or vessel from loading his own vessel with his own crew.

SEC. 2454. *Freedom of choice.*—No action shall be maintained in this State to enforce or secure any right given by a ship charter in which charter is a provision giving the charterer, consignee, or shipper a right in any way to interfere with the selection by the master or owner of a stevedore to load or unload his vessel. Every such charter shall be void in this State.

SEC. 2455. *Bribery.*—It shall not be lawful for any person to accept directly or indirectly any compensation for awarding or causing to be awarded to any person the loading or unloading of any vessel.

SEC. 2456. *Interference.*—It shall not be lawful for any person to control or attempt to control the owner or master of any vessel in awarding the loading or unloading of his vessel except by solicitation in his own behalf as a contracting stevedore regularly engaged in the business of stevedoring.

Payment of wages in scrip

SECTION 2522. *Checks, etc., to be redeemable.*—Any person, firm, or corporation issuing checks, coupons, punch outs, tickets, tokens, or other device in payment for labor, redeemable either wholly or partially in goods or merchandise, at their or any other place of business, shall, on demand of any legal holder thereof, on or after the ninetieth day succeeding the day of issuance, be liable for the full face value thereof in current money of the United States.

SEC. 2523. *Payable to bearer.*—Any such checks, punch outs, coupons, tickets, tokens, or other device, issued by any person, firm or corporation in payment for labor, shall be considered and treated as payable to bearer in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

SEC. 2524. *Failure to redeem.*—In case of failure of any person, firm, or corporation to pay any legal holder of any such check, punch out, ticket, coupon, token, or other device issued by them in payment for labor, the full face value thereof in current money of the United States, on or after the ninetieth day succeeding the day of issuance, when so demanded, such holder may immediately bring suit thereon in any court of competent jurisdiction, and, in addition to recovering the full face value thereof, with legal interest from demand, may recover ten per cent of said amount as attorney's fees in the same suit.

This act is constitutional, except the provision as to an attorney's fee, which is not covered by the title, and is inoperative, but is severable. Prairie Pebble Phosphate Co. *v.* Silverman, 86 So. 508.

Wages as preferred claims—In administration

SECTION 3738. *Rank.*—[Liens of laborers, etc., rank after the expenses of the funeral, last sickness, judgments, and taxes.]

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Exemption of wages from garnishment

SECTION 3885. *Personal earnings.*—[No process shall issue to delay the payment of the earnings by personal labor or services of the head of a family residing in the State.]

Hours of labor

SECTION 4016. *Ten hours a day's work.*—Ten hours of labor shall be a legal day's work, and whenever any person employed to perform manual labor of any kind by the day, week, month, or year renders so many hours of labor, he shall be considered as having performed a legal day's work, unless a written contract has been signed by the person so employed and the employer, requiring a less or greater number of hours of labor to be performed daily.

SEC. 4017. *Extra pay.*—Unless such written contract has been made, the person employed shall be entitled to extra pay for all work performed by the requirement of his employer in excess of ten hours' labor daily.

Employment of children—General provisions

SECTION 4018. *Newsboys, etc.*—No boy under ten years of age, and no girl under sixteen years of age shall distribute, sell, expose, or offer for sale (1) newspapers, (2) magazines, (3) periodicals in any street or public place, in any city of six thousand population or more.

SEC. 4019. *Age limit.*—No child under twelve years of age shall be employed, permitted, or suffered to work in, about, or in connection with any (1) store, (2) office, or (3) in the transmission or sale of merchandise, (4) or in the transmission of messages, in any city of six thousand population or more.

SEC. 4020. *Same.*—No child under fourteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any (1) mill, (2) factory, (3) workshop, (4) mechanical establishment, (5) laundry, (6) or on the stage of any theatre.

SECS. 4021–4025. *Certificates.*—[Certificates are required for the employment of children under 16 years of age in any factory, workshop, laundry, mine, or mill. Lists of names must be posted at entrances and a copy kept on file. Certificates are to be returned to the child or its parent or guardian at termination of employment. They issue only on approval of the school authorities. Evidence of age, schooling, and normal physical development are required, the child to appear personally. The educational test is ability to read and legibly write English sentences, and school attendance not less than 60 days during the school year next prior to arriving at the age of 14, or to the time of application for the certificate, with instruction in the common branches, including the fundamental operations of arithmetic and through common fractions. The inspector may demand proof of age of any employed child apparently under the age of 16.]

SEC. 4026. *Work time; posting.*—[Children under the age of 16 may not be employed as above more than 6 days or 54 hours per week, or more than 9 hours per day, nor between 8 p. m. and 5 a. m. A schedule of work time must be posted.]

SEC. 4028. *Messengers.*—[No person under 18 may be employed in messenger or delivery service between 10 p. m. and 5 a. m.]

SEC. 4030. *Dangerous occupations.*—[The employment of children under the age of 16 in specified dangerous occupations is forbidden. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 4031. *Safety appliances.*—It shall be the duty of the owner of any manufacturing establishment, where any person under sixteen years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearing, belting, set screws and machinery of every description therein, which is palpably dangerous, where practicable, shall be properly guarded; and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat, or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be properly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

SEC. 4032. *Wash rooms, etc.*—[Suitable wash rooms and water closets are to be provided in manufacturing establishments where children under the age of 16 are employed; and if girls under 16 are employed, water closets for them must have separate approaches and be kept separate from those for men. Dressing rooms for such girls must be provided where the nature of the work requires change of clothing.]

SEC. 4033. *Seats.*—[Employers of girls under the age of 16 in manufacturing, mechanical or mercantile establishments, laundries, workshops, renovating works or printing offices must furnish seats and permit their use when duties permit.]

SEC. 4034. *Lime washing, etc.*—The walls and ceilings of each room in every manufacturing establishment where any person under sixteen years of age is employed shall be limewashed or painted, when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.

SEC. 4035. *Enforcement.*—[Grand juries and county solicitors of criminal courts have inquisitorial powers; and judges are to charge grand juries to investigate violations.]

SEC. 4036. *Posting.*—[Copies of the act are to be posted in each room of establishments or offices where children under the age of 16 are employed, and in every pool or billiard room or bowling alley.]

SEC. 4037. *State labor inspector.*—For the purpose of carrying out the provisions of this article the office of State labor inspector is hereby created, such office to be filled by any capable person, male or female, by appointment of the governor for a term of four years, such term to begin from and after such appointment, but said inspector shall have no power or authority except as conferred by this article.

SEC. 4038. *Salary, etc.*—The said State labor inspector shall receive an annual salary of eighteen hundred dollars, payable monthly out of any moneys not otherwise appropriated, as other salaries of State employees, together with such necessary traveling expenses as may be incurred by him or her in making such trips of inspection not to exceed eight hundred dollars. The inspector shall also be allowed all office stationery and other expenses not to exceed two hundred dollars per year, such expenses to be paid out of any moneys not otherwise appropriated.

SEC. 4040. *Exceptions.*—[This article does not apply to children receiving industrial education as approved by public authorities, to children in agricultural or domestic employments, nor to boys delivering newspapers to regular subscribers out of school hours.]

Bonds of employees—Railroads

SECTION 4041. *Restrictions forbidden.*—No common carrier authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatsoever, shall require such employee to have such bond or undertaking executed as a surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations, or firms named by such common carrier and no such common carrier, shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

SEC. 4042. *Nonresident bondsmen.*—[No nonresident surety may be required, nor any organization other than one formed under the laws of Florida, unless it has a resident agent on whom legal process may be served.]

SEC. 4043. *Term; cancellation.*—[Bonds must be for definite terms, and may be canceled only with the consent of the parties except for breach of condition. Procedure requires 10 days' notice and a full statement of the reason or reasons for cancellation.]

SEC. 4044. *Void acts.*—[Bonds, contracts or undertakings made in violation of the above are void.]

Insurance of employees—Group insurance

SECTION 4268. *Insurance permitted.*—[The provisions forbidding discrimination in life insurance rates is not to be construed as affecting the power of employers to insure employees, with or without annunities, at less than the usual rates, where not less than 50 persons pay premiums through their employer or secretary.]

Telegraph and telephone companies—Accidents, etc., to be reported

SECTION 4410. *Reports required.*—* * * Such annual report [of telegraph and telephone companies to the State railroad commissioners] shall show * * * the number of employees and the salaries paid each class, the accidents to employees and other persons and the cost thereof. * * *

Railroads—Blacklisting—Discharge

SECTION 4543. *Blacklisting.*—If any railroad company or other corporation doing business in this State, or any person, agent, or employer of any such company or corporation, after having discharged any employee from the service of any such company or corporation, shall attempt to prevent, by word or writing, sign, or other means, directly or indirectly, such discharged employee from obtaining employment with any other person, company, or corporation, such person, agent, employer, company, or corporation shall be guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding five hundred dollars or less than one hundred dollars, and such person, agent, employer, company or corporation shall be liable in damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person, agent, employer, company, or corporation from giving in writing to any other person, company, or corporation to whom such discharged person has applied for employment a truthful statement of the reasons for such discharge; and shall furnish to such discharged employee, on his application, to such address as may be given by such discharged employee, within ten days after such application made as aforesaid, a true copy of any such written statement.

SEC. 4544. *Liability for damages.*—If any railroad company or other corporation doing business in this State shall authorize or permit, with its knowledge and consent, any of its officers, agents, employers, or employees to commit either or any of the acts prohibited by the preceding section, such railroad company or corporation shall be liable in damages to such employee so prevented from obtaining employment, to be recovered by him in a civil action.

SEC. 4545. *Statement of cause of discharge.*—It shall be the duty of any person, officer, agent, employer, company, or corporation, after having discharged any employee from the service of any such company or corporation, upon written demand by such employee, to furnish to him, within ten days from the application for the same, a full statement in writing of the cause or causes of his discharge, and if any such person, officer, agent, employer, company, or corporation as aforesaid shall refuse within ten days after demand as herein provided to furnish such statement to such discharged employee, it shall be ever after unlawful for any such person, officer, agent, employer, company, or corporation to furnish any statement of the cause of such discharge to any person or corporation, or to in any way blacklist or to prevent such discharged employee from procuring employment elsewhere, subject to the penalties prescribed in section 4543. And on the trial of any person, company, or corporation for a violation of the provisions of sections 4543, 4544, 4545, 4546, or 4547, any other person who may have authorized or permitted, with knowledge and consent as aforesaid, any such offense, or who may have participated in the same, shall be a competent witness, and be compelled to give evidence, and nothing then said by such witness shall at any time be received or given in evidence against him in any prosecution against the said witness, except on an indictment for perjury in any matter to which he may have testified; and on the trial of any such person for any violation of said sections the prosecutions shall have the authority and process of the court trying the case to compel the production in court, to be used in evidence in the case, of the books and papers of any such person, company, or corporation, and a failure to produce the same, after such reasonable notice as the court may in each case provide, shall be in contempt of court, and punishable as such against the custodian or person, company, or corporation having the control or in charge of such books and papers who shall fail to produce the same: *Provided*, That such written cause of the discharge, when so made as aforesaid, at the request of such discharged employee, shall never be used as the cause for an action for slander or for libel, either civil or criminal, against the person or authority furnishing the same.

SEC. 4546. *Employee to have information.*—It shall be the duty of any person, company or corporation who has received any request or notice in

writing, sign, word or otherwise from any person, company or corporation preventing or attempting to prevent the employment of any person discharged from the service of either of the latter, on demand of such discharged employee, to furnish to such employee within ten days after such demand a true statement of the nature of such request or notice, and if in writing, a copy of the same, and if a sign, the interpretation thereof, with the name of the person, company or corporation furnishing the same, with the place of business of the person or authority furnishing the same; and a violation of this section shall subject the offender to all the penalties, civil and criminal, provided by the foregoing sections.

SEC. 4547. *Application.*—The provisions of the four preceding sections shall apply to and prevent, under all the penalties aforesaid, railroad companies or corporations under the same general management and control but having separate divisions, superintendents or master mechanics, master machinists, or similar officers, for separate or different lines, their officers, agents, and employees, from preventing or attempting to prevent the employment of any such discharged person by any other separate division or officer or agent or employer of any such separate railroad line or lines.

Liability of railroad companies for injuries to employees

SECTION 4964. *Damage caused by operation of cars, etc.*—A railroad company shall be liable for any damage done to persons, stock or other property, by the running of the locomotives, or cars, or other machinery of such company, or for damage done by any person in the employ and service of such company, unless the company shall make it appear that their agents have exercised all ordinary and reasonable care and diligence, the presumption in all cases being against the company.

SEC. 4965. *Negligence.*—No person shall recover damages from a railroad company for injury to himself or his property, where the same is done by his consent, or is caused by his own negligence. If the complainant and the agents of the company are both at fault, the former may recover, but the damages shall be diminished or increased by the jury in proportion to the amount of default attributable to him.

SEC. 4966. *Fellow servants.*—If any person is injured by a railroad company by the running of the locomotives or cars, or other machinery of such company, he being at the time of such injury an employee of the company, and the damage was caused by the negligence of another employee, and without fault or negligence on the part of the person injured, his employment by the company shall be no bar to a recovery. No contract which restricts such liability shall be legal or binding.

The doctrine of comparative negligence, set forth in section 4965, does not apply to employees, who must, according to section 4966, be "without fault." 24 So. 148.

The abrogation of the defense of fellow-service is not discriminatory and is constitutional. 50 So. 428.

The act does not apply to mining railroads. 54 So. 904.

A negligent employee can not recover even though his negligent act was performed under the orders of a superior. 15 So. 876.

If, however, the injury resulted from the performance of an act in which the injured employee had no part he is presumed to be free from fault. 24 So. 148.

The provision as to restrictive contracts is not void. It does not forbid the giving of a release subsequent to the happening of the accident causing injury. 45 So. 761.

SEC. 4971. *What occupations are hazardous.*—This act [secs. 4971–4976] shall apply to persons, firms and corporations engaged in the following hazardous occupations in this State; namely, railroading, operating street railways, generating and selling electricity, telegraph and telephone business, express business, blasting and dynamiting, operating automobiles for public use, boating, when boat is propelled by steam, gas, or electricity.

SEC. 4972. *Fellow-service not a defense.*—The persons, firms and corporations mentioned in section 4971 shall be liable in damages for injuries inflicted upon their agents and employees, and for the death of their agents and employees caused by the negligence of such persons, firms and corporations, their agents and servants, unless such persons, firms and corporations shall make it appear that they, their agents and servants have exercised all ordinary and reasonable care and diligence, the presumption in all cases being against such persons, firms and corporations.

SEC. 4973. *Negligence.*—The persons, firms and corporations mentioned in section 4971 shall not be liable in damages for injuries to their agents and employees, or for the death of such agents and employees, where same is done

by their consent, or is caused by their own negligence. If the employees or agents injured or killed, and the persons, firms and corporations mentioned in section 4971, or their agents and employees are both at fault, there may be recovery, but the damages shall be diminished or increased by the jury in proportion to the amount of default attributable to both: *Provided*, That damages shall not be recovered for injuries to an employee injured in part through his own negligence and in part through the negligence of another employee, when both of such employees are fellow servants, where the former and the latter are jointly engaged in performing the act causing the injury and the employer is guilty of no negligence contributing to such injury.

SEC. 4974. *Assumption of risk.*—The doctrine of assumption of risk shall not obtain in any case arising under the provisions of this article, where the injury or death was attributable to the negligence of the employer, his agents or servants.

SEC. 4975. *Recoveries exempt.*—The writ of garnishment, execution of other processes, shall not issue out of any court to reach any money due or likely to become due as damages under the provisions of this article.

SEC. 4976. *Waivers.*—Any contract, contrivance or device whatever, having the effect to relieve or exempt the persons, firms and corporations mentioned in section 4971, from the liability prescribed by this article shall be illegal and void.

Employment of labor

SECTION 4979. *Wages due deceased employees.*—It shall be lawful for any employer, in case of the death of an employee, to pay to the wife or husband, and in case there is no wife or husband, then to the child or children, provided the child or children be over the age of eighteen years, and in case there is no child or children, then to the father or mother, any wages that may be due said employee at the time of his death.

SEC. 4980. *Status.*—Any wages so paid under the authority of this chapter shall not be considered as assets of the estate and subject to administration.

SEC. 5065. *Enticing employees.*—Whoever shall entice or persuade by any means whatsoever any tenant, servant or laborer, under contract with another, whether written or verbal, to violate such contract, or shall employ any servant or laborer, knowing him or her to be under contract as aforesaid, shall be punished by imprisonment not exceeding sixty days, or by fine not exceeding one hundred dollars.

SEC. 5066. *Protection as traders.*—Any person or persons, firm, joint stock company, association or corporation organized, chartered or incorporated by and under the laws of this State, either as owner or lessee, having persons in their service as employees, who shall discharge any employee or employees or threaten to discharge any employee or employees in their service for trading or dealing, or for not trading or dealing as a customer or patron with any particular merchant or other person or class of persons in any business calling, or shall notify any employee or employees either by general or special notice, directly or indirectly, secretly or openly given, not to trade or deal as a customer or patron with any particular merchant or person or class of persons in any business or calling, under penalty of being discharged from the service of such person, firm, joint stock company, corporation or association shall be punished by fine not exceeding one thousand dollars or imprisoned not exceeding one year.

SEC. 5067. *Acts of agents, etc.*—Any person acting as an officer or agent of any firm, joint stock company, association or corporation of the kind and character as described in the preceding section or for any one of them, who makes or executes any notice, order or threat of the kind therein mentioned and forbidden, shall be fined not more than five hundred dollars or imprisoned not longer than six months.

SEC. 5068. *Seats required.*—[Employers of male and female assistants in "mercantile or other business pursuits" are required to furnish seats and permit their use when the duties of such employees will permit.]

Employment of children in certain occupations forbidden

SECTION 5070. *Acrobatic, etc., occupations.*—[The employment of children under the age of 14 in acrobatic, mendicant, etc., occupations is forbidden. For text of similar law see sec. 2223, Delaware Code.]

Interference with employment—Conspiracy against workingmen

SECTION 5401. *Preventing employment, etc.*—If two or more persons shall agree, conspire, combine or confederate together for the purpose of preventing any person or persons from procuring work in any firm or corporation, or to cause the discharge of any person or persons from work in such firm or corporation; or if any person or persons shall verbally or by written or printed communication, threaten any injury to life, property or business of any person for the purpose of procuring the discharge of any workman in any firm or corporation, or to prevent any person or persons from procuring work in such firm or corporation, such person or persons so combining shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding five hundred dollars each, or by imprisonment not exceeding one year.

Interference with employment—Restraint of trade

SECTION 5723. *What combinations forbidden.*—If any person shall be or may become engaged in any combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or of either two or more of them, for either, any, or all of the following purposes:

1. To create or carry out restrictions in trade or commerce or aids to commerce, or to create or carry out restrictions in the full and free pursuit of any business authorized or permitted by the law of this State.

5. * * * shall be punished by a fine of not less than fifty dollars nor more than five thousand dollars, and by imprisonment in the penitentiary not less than one nor more than ten years, or by either such fine or imprisonment. Each day during a violation of this provision shall constitute a separate offense.

Employment of children—Violations of law

SECTION 5750. *Employment without consent.*—[Employing a child known to be under 15 years of age without the consent of the person having legal control thereof is punishable by imprisonment not over 60 days or fine not exceeding $20.]

SEC. 5751. *Unlawful employment.*—[Employing a child in violation of the law (secs. 4018–4040) is punishable by a fine not to exceed $50, and continued violation entails a penalty of from $5 to $20 for each day. Penalties are named for retaining certificates after employment ceases, and certifying known false statements.]

Stevedores—Interference with loading, etc., vessels

SECTION 5756. *License.*—[Acting as stevedore without license involves a penalty of $50 fine or 30 days' imprisonment; each day's violation is a separate offense.]

SEC. 5768. *Accepting fee.*—Whoever accepts, directly or indirectly, any compensation for awarding or causing to be awarded to any person the loading or unloading of any vessel shall be punished by imprisonment not exceeding one year, or by fine not exceeding five hundred dollars.

SEC. 5769. *Controlling award of contract.*—Whoever controls or attempts to control the owner or master of any vessel in awarding the loading or unloading of his vessel, except by solicitation in his own behalf as contracting stevedore, regularly in the business of stevedoring, shall be punished by imprisonment not exceeding one year, or by fine not exceeding one thousand dollars.

Protection of employees as voters

SECTION 5901. *Threatening discharge, etc.*—It shall be unlawful for any person or persons, firm, joint stock company, association or corporation, organized, chartered or incorporated by and under the laws of this State, either as owner or lessee, having persons in their service as employees, to discharge any employee or employees, or to threaten to discharge any employee or employees in their service for voting or not voting in any election, State, county or municipal, for any person as candidate or measure submitted to a vote of the people. Any person or persons, firm, joint stock company, association or corporation organized, chartered or incorporated under the laws of this State, or operated in this State, violating any of the provisions of this section, shall pay a fine of not more than one thousand dollars.

SEC. 5902. *Agent violating law.*—Any person acting as an officer or agent of any firm, joint stock companies, associations or corporations of any kind and character hereinbefore described, or any one of them who makes or executes any notice, order or threat of the kind hereinbefore forbidden in the next preceding section, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than six months.

ACTS OF 1919

CHAPTER 7808.—*Employment of children—School attendance*

SECTION 1. *Attendance required.*—[Children between 7 and 16 years of age are required to attend school "substantially the number of days" the school in the district is in session unless (among other reasons) their services are shown by affidavit to be necessary for the support of a widowed mother or other dependent.]

CHAPTER 7917.—*Labor contracts—Intent to defraud*

SECTION 1. *Misdemeanor.*—Any person in this State who shall, with intent to injure and defraud, under and by reason of a contract or promise to perform labor or service, procure or obtain money or other thing of value as a credit, or as advances, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred ($500) dollars or by imprisonment not exceeding six months.

SEC. 2. *Evidence.*—In all prosecutions for a violation of the foregoing section the failure or refusal, without just cause, to perform such labor or service or to pay for the money or other thing of value so obtained or procured shall be prima facie evidence of the intent to injure and defraud.

ACTS OF 1923

CHAPTER 9146.—*Preference of resident laborers, etc., on public works*

SECTION 1. *Preference directed.*—From and after the passage of this act, every official board in the State of Florida, whether of the State, a county or municipality, which may be charged with the duty of erecting or constructing any public administrative or institutional building, shall give preference in the purchase of material and in letting contracts for the construction of such building to material men, contractors, builders, architects, and laborers, who reside within the State of Florida, whenever such material can be purchased or the services of such material men, contractors, builders, architects, and laborers, can be employed at no greater expense than that which would obtain if such purchase was made, or contract let, or such employment given, to a person, firm or corporation residing beyond the limits of the State: *Provided, however*, That this act in no way prohibits the right of the said official boards to compare quality of materials proposed for purchase and to compare qualifications, character, responsibility and fitness of material men, contractors, builders, and architects proposed for employment in their consideration of the purchase of materials or employment of persons, firms, and corporations.

GEORGIA

CODE OF 1910

Civil Code

Payment of wages in scrip

Section 2235. *Checks, etc., to be redeemed in cash.*—Any corporation or person doing business of any kind in this State, who shall issue checks or written evidences of indebtedness for the wages of laborers, shall redeem at full value, in cash, such written evidences of indebtedness, on demand and presentation to the proper person on the regular monthly pay day, and if there be no regular monthly pay day, then upon demand and presentation on any regular business day after thirty days from the issuance thereof; and for every failure to redeem such evidences of indebtedness, said corporation or person shall be liable to the owner thereof in the sum of ten dollars, to be recovered by suit, unless said corporation or person shall, upon the trial, prove insolvency or actual inability to redeem at the time of demand and presentation.

Railroads—Telegraph operators—Engineers

Section 2690. *Age limit of operators.*—No railroad company shall employ in this State any telegraph operator to receive and transmit dispatches governing the movement of trains, who is less than eighteen years of age, and who has not had at least one year's experience as a telegraph operator, and who has not stood a thorough examination before the railroad superintendent or train master, and received a certificate of his competency from such officer. A written record of said certificate shall be kept in the office of the officer issuing it, and be subject to inspection at any time.

Sec. 2691. *Penalty.*—Any railroad company violating the requirements of the preceding section shall forfeit for each offense not less than fifty dollars, and not more than five hundred dollars. * * *

Sec. 2696. *Engineers to be experienced.*—No railway company operating trains in this State shall have employed or allow in charge of one of its locomotives in this State, as a locomotive engineer (except such engines used in yard service), any person who shall not have had as much as three years' actual bona fide experience as a fireman or engineer on a railway locomotive, or who shall not have served an apprenticeship of four years in a regular railroad machine shop, and have had in addition thereto one year bona fide experience as a locomotive fireman.

Railroads—Strikes

Section 2737. *Liability of carriers.*—Where a carrier receives freight for shipment, it is bound to forward within a reasonable time, although its employees strike or cease to work; but if the strike is accompanied with violence and intimidation so as to render it unsafe to forward the freight, the carrier is relieved as to liability for delay in delivering the freight, if the violence and armed resistance is of such character as could not be overcome by the carrier or controlled by the civil authorities when called upon by it.

Liability of railroad companies for injuries to employees

Section 2751. *Measure of liability.*—Railroad companies are common carriers, and liable as such. As such companies necessarily have many employees who can not possibly control those who should exercise care and diligence in the running of trains, such companies shall be liable to such employe s as to passengers for injuries arising from the want of such care and diligence.

Though this statute imposes on railroad companies a different rule of liability from that applied to other classes of employers, it is not unconstitutional. 54 Ga. 509.
A company is responsible even though others may be using its franchise. 49 Ga. 355.
Employment and injury need not be immediately connected with the running of trains. 95 Ga. 301.

SEC. 2782. *Liability declared.*—Every common carrier by railroad shall be liable in damages to any person suffering injury while he is employed by such carrier, or, in case of death of such employee, to his or her persoual representative, for the benefit of the surviving widow or husband, or child, or children of such employee, and if none, theu of such employee's parents; and if noue, then of the next of kin dependent upou such employee, for such injury or death resulting in whole or in part from the uegligence of any of the officers, agents, or employees of such carrier, or by reason of any defects or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided, nevertheless,* No recovery shall be had hereunder if the person killed or injured brought about his death or injury by is own carelessness amounting to a failure to exercise ordinary care; or if he, by the exercise of ordinary care, could have avoided the consequences of the defendant's negligeuce. The measure of daunage in case the iujury results in death of the employee shall be that prescribed in sections 4424 and 4425: *Provided,* That the party or parties for whose benefit recovery may be had under this and the five succeeding sectious may sue and recover in their own name or names in the manner prescribed by section 4424, in case no administrator or executor has been appointed at the time suit is filed. In case death results from injury to the employee, the employer shall be liable unless it make it appear that it, its agents, and employees have exercised all ordinary and reasonable care and diligence, the presumption being iu all cases against the employer. If death does not result from the injury, the presumptions of negligence shall be and remain as now provided by law in case of injury received by an employee in the service of a railroad company.

SEC. 2783. *Contributory negligence.*—In all actions hereafter brought against auy such common carrier by railroad, under or by virtue of any of the provisions of this, the preceding, or the four succeeding sections; to recover damages for personal iujuries to an employee, or where such injuries have resulted in death, the fact that the employee may have been guilty of contributory negligence, not amounting to a failure to exercise ordinary care, shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided,* That no such employee who may be injured, or killed, shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 2784. *Risk not assumed, when.*—In any action brought against any common carrier under and by virtue of any of the provisions of the two preceding sections, to recover damages for injuries to or the death of auy of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of the employees contributed to the injury or death of such employee.

SEC. 2785. *Contracts of exemption.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by the three precediug sectious, shall, to that extent, be void: *Provided,* That in any action brought against any such common carrier, under or by virtue of any of said sectious, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee, or, in the event of death, to the person or persous entitled thereto on account of the injury or death for which said action is brought.

SEC. 2786. *Limitation.*—No action shall be maintained under the four preceding sections, unless commenced within two years from the day the cause of actiou accrued.

SEC. 2787. *Definition.*—The term "commoú carrier," as used in the preceding section[s], shall include the receiver or receivers or other person or corporatiou charged with the duty of the management and operation of the business of a common carrier.

SEC. 2788. *Measure of liability of receivers.*—The liability of receivers, trustees, assignees, and other like officers operating railroads in this State, or partially iu this State, for injuries and damages to persous in their employ, caused by the negligence of coemployees, or for injuries or damages to personal property, shall be the same as the liability now fixed by the law governing the operation of railroad corporations in this State for like injuries and damages; and a lien is hereby created on the gross income of any such railroad while in

the hands of any such receiver, trustee, or assignee, or other person, in favor of such injured employees, or plaintiff, superior to all other liens against defendant under the laws of this State.

Wages as preferred claims—Railroad employees

SECTION 2793. *Enforcement of mortgages.*—[Wages of railroad employees are a first lien on the property of the company, superior to mortgages or other contract liens, in an amount not exceeding $500 for each employee.]

SEC. 2794. *Receiverships.*—[Wage debts as above must be first paid out of any funds available or becoming available in the hands of the court or trustee in cases of receivership.]

SEC. 2797. *Current wages.*—[The receiver operating a railroad under an order or decree of any court must apply the income to necessary expenses of carrying on the business, which shall include the wages of employees.]

Liability of employers for injuries to employees

SECTION 3129. *Negligence of fellow servants.*—Except in case of railroad companies, the master is not liable to one servant for injuries arising from the negligence or misconduct of other servants about the same business.

SEC. 3130. *Duty of employer.*—The master is bound to exercise ordinary care in the selection of servants, and not to retain them after knowledge of incompetency; he must use like care in furnishing machinery equal in kind to that in general use, and reasonably safe for all persons who operate it with ordinary care and diligence. If there are latent defects in machinery, or dangers incident to an employment, unknown to the servant, of which the master knows or ought to know, he must give the servant warning in respect thereto.

SEC. 3131. *Assumption of risk.*—A servant assumes the ordinary risks of his employment, and is bound to exercise his own skill and diligence to protect himself. In suits for injuries arising from the negligence of the master in failing to comply with the duties imposed by the preceding section, it must appear that the master knew or ought to have known of the incompetency of the other servant, or of the defects or danger in the machinery supplied; and it must also appear that the servant injured did not know and had not equal means of knowing such fact, and by the exercise of ordinary care could not have known thereof.

Negligence is not imputed where an employee, from pressure of duties, forgets obstructions of which he had knowledge, and is injured thereby. 58 S. E. 252.

SEC. 3132. *Contracts waiving liability.*—All contracts between master and servant made in consideration of employment, whereby the master is exempted from liability to the servant arising from the negligence of the master or his servants, as such liability is now fixed by law, shall be null and void, as against public policy.

A servant's widow suing for his homicide occasioned by the negligence of a fellow servant must show that it was criminal, unless the principal be a railroad or a druggist. 70 Ga. 434.

Contracts of employment

SECTION 3133. *Term.*—That wages are payable at a stipulated period raises the presumption that the hiring is for such period; but if anything in the contract shows that the hiring was for a longer term, the mere reservation of wages for a lesser time will not control. An indefinite hiring may be terminated at will by either party.

Payment of wages due deceased employees

SECTION 3134 (as amended 1915, p. 21). *What sum may be paid widow, etc.*—It shall be lawful upon the death of any person employed by any railroad company or other corporation doing business in this State, who may have wages due him by said railroad company or other corporation, and who shall leave surviving him a widow or minor child or children, to pay all of said wages, when they do not exceed three hundred dollars, and in case such wages exceed three hundred dollars, to pay the sum of three hundred dollars thereof to the surviving widow of such employee, and in case he has no surviving widow, but leaves surviving a minor child or children, then said sum shall be

paid to said minor child or children without any administraton upon the estate of said employee; and said fund to the amount of three hundred dollars, after the death of said employee, is hereby exempt from any and all process of garnishment.

SEC. 3135. *Payment required.*—It shall be the duty of such railroad company, or other corporation, to pay over said fund on the demand of the widow, and in case there be no surviving widow, then on the demand of the minor child or children, or the guardian thereof.

SEC. 3136. *Payment is release.*—The paying over of the fund under the preceding sections shall operate as a release from all claims against said fund or railroad company or corporation by the estate of said employee or creditors thereof, or the claims of the widow or minor child or children, or the guardian thereof.

Hours of labor in factories, etc.—Employment of children

SECTION 3137 (as amended 1911, p. 65). *Ten-hour day.*—The hours of labor required of all persons employed in cotton or woolen manufacturing establishments in this State, except engineers, firemen, watchmen, mechanics, teamsters, yard employees, clerical force, and all help that may be needed to clean up and make necessary repairs or changes in or of machinery, shall not exceed ten hours per day, or the same may be regulated by employers so that the number of hours shall not in aggregate exceed sixty hours per week: *Provided*, That nothing herein contained shall be construed to prevent any of the aforesaid employees from working such time as may be necessary to make up lost time not to exceed ten days caused by accidents or other unavoidable circumstances.

SEC. 3138. *Contracts for longer day.*—All contracts made or entered into, whereby a longer time for labor than is provided in the foregoing section shall be required of said employees, shall be absolutely null and void so far as the same relates to the enforcement of said contracts with said employees, any law, usage, or custom to the contrary notwithstanding.

SEC. 3139. *Penalty.*—Any cotton or woolen manufacturing establishment that shall make or enforce any contract in violation of the foregoing section, with any person as an employee therein, shall be subject to a forfeiture of an amount not less than twenty and not more than five hundred dollars for each and every such violation.

SEC. 3140. *Who may sue.*—Any person with whom said contract is made, or any person having knowledge thereof, shall be competent to institute suit against said cotton or woolen manufacturing establishment; * * *

SEC. 3141. *Hours of labor of minors.*—The hours of labor by all persons under twenty-one years of age, in all other manufacturing establishments or machine shops in this State, shall be from sunrise until sunset, the usual and customary times for meals being allowed from the same; and any contract made with such persons or their parents, guardians, or others, whereby a longer time for labor is agreed upon or provided for, shall be null and void, so far as relates to the enforcement of said contracts against such laborers.

Employment of children—Corporal punishment forbidden.

SECTION 3142. *Punishment of minors.*—No boss or other superior in any manufacturing establishment shall inflict corporeal [corporal] punishment upon minor laborers; and the owners of such factory or machine shop shall be directly liable for all such conduct on the part of their employees; and such minor may sue in his own name for damages for such conduct, and the recovery shall be his own property, and not belong to his parents.

Seats for female employees

SECTION 3150. *Seats to be provided.*—All persons and corporations employing females in manufacturing, mechanical, or mercantile establishments must provide suitable seats, and permit their use by such females when not necessarily engaged in the active duties for which they were employed.

Fire escapes on factories, etc.

SECTIONS 3151, 3152, 3154. *Requirements; inspections.*—[Owners of buildings more than two stories in height, the third and higher stories of which are used

as factories or workshops, must have two means of egress, inside or outside of the building, as nearly as possible at opposite ends. Outside exits must have railed landings, and connect with windows or doors. Doors must open outward, and means must be furnished for extinguishing fires. Local authorities are to inspect, and owners must make the required alterations.]

Assignments of wages

SECTION 3465. *Contracts void.*—Any contract * * * for the assignment of pledge of any unearned wages or salary, for the purpose of securing a loan of money shall be void.

Employment of labor—General provisions

SECTION 3476. *Definition.*—Hiring is a contract by which one person grants to another either the enjoyment of a thing, or the use of the labor and industry either of himself or his servant, during a certain time, for a stipulated compensation, or where one contracts for the labor or services of another about a thing bailed to him for a specified purpose.

SEC. 3487. *Hiring extends to what contracts.*—The hire of labor or services is the essence of every bailment in which goods are delivered to another, and compensation paid for care, attention or labor bestowed upon them. It includes the contracts of forwarding and commission merchants, factors, wharfingers, mechanics, and all agents in such transactions.

SEC. 3488. *Duty of bailee.*—In all such cases, the bailee is not only bound to exercise skill in the labor and work bestowed, but it is a part of the contract that he shall exercise ordinary care and diligence in keeping and protecting the articles intrusted to him.

SEC. 3489. *Title to goods, etc., labored on.*—In such cases, if the identical article, though materially changed by the labor bestowed, is to be returned, the title remains in the bailor. If the bailee furnishes a portion of the materials, the title to the entire structure is in the party furnishing the larger portion of the materials. If the bailor furnishes material—such as silver for plate—but the contract does not contemplate the use of that material specially, then the title is in the bailee to the article made, until it is delivered.

SEC. 3490. *Goods manufactured on shares.*—If materials are furnished to be manufactured on shares, the title remains in the bailor until the delivery to him of his portion of the manufactured goods.

SEC. 3491. *Right of possession.*—The bailee, for hire of labor and service, is entitled to the possession of the thing bailed, pending the bailment. He has, also, a special lien upon the same for his labor and services, until he parts with possession; and if he delivers up a part, the lien attaches to the remainder in his possession for the entire claim under the same contract.

SEC. 3492. *Destruction of article.*—If the thing bailed for labor and services be destroyed, without fault on the part of the bailee, the loss falls upon the bailor, and the bailee may demand compensation for the labor expended and materials used upon it.

SEC. 3493. *Contract entire.*—As a general rule, the contract of bailment is an entire contract, and a full performance is a condition precedent to an action upon it.

SEC. 3588. *Wrongful discharge.*—When the contract is for a year, and the employer wrongfully discharges the agent before the end of the year, the agent may either sue immediately for any special injury from the breach of the contract, or, treating the contract as rescinded, may sue for the value of the services rendered, or he may wait till the expiration of the year and sue for and recover his entire wages.

SEC. 3589. *Computing damages.*—When an agent has been improperly dismissed before the expiration of his time, earnings which were realized or might have been realized by him up to the end of the term should go in mitigation of damages.

The discharged employee may (1) sue for the injury for the breach of contract; (2) wait until the end of the time he was to serve and sue for the whole amount of wages; (3) sue on quantum meruit on the ground that the contract was rescinded. 56 Ga. 497. The measure of damages for wrongful dismission is actual loss to date of trial. Due diligence must be used to get other employment. 81 Ga. 439.

Actions for personal injuries

SECTION 4422. *Intention.*—A physical injury done to another gives a right of action, whatever may be the intention of the actor, unless he is justified under some rule of law. The intention should be considered in the assessment of damages.

SEC. 4426. *Negligence.*—If the plaintiff by ordinary care could have avoided the consequences to himself caused by the defendant's negligence, he is not entitled to recover. But in other cases the defendant is not relieved, although the plaintiff may in some way have contributed to the injury sustained.

This section modifies the common law, which was that any contributory negligence of the servant would defeat recovery against the master. 82 Ga. 109.

If the plaintiff and defendant are both negligent, the plaintiff can recover unless his negligence was equal to or greater than that of the defendant, or unless he could, by the exercise of ordinary care, have avoided the consequences of the defendant's negligence. 47 S. E. 923.

An employee can not recover where the danger is equally obvious to him and his employer. 94 Ga. 535.

An inexperienced person, ignorant that machinery was unsafe, was entitled to recover for injury. 88 Ga. 286.

An employee injured while obeying orders of superior may recover if it was not a rash and dangerous thing to do. 71 Ga. 406.

SEC. 4497. *Limitation.*—Actions for injuries done to the person shall be brought within two years after the right of action accrues, * * * .

Suits for wages—Exemptions—Assignments

SECTION 5095. *Suits to be brought within State.*—When suit is brought by attachment in this State against a nonresident of the State and the attachment is levied by service of summons of garnishment, the situs of any debt due by the garnishee to the defendant shall be at the residence of the garnishee in this State, and any sum due to the defendant in attachment shall be subject to said attachment: *Provided*, That the writ of attachment shall not be used to subject in this State wages of persons who reside out of the State, and which have been earned wholly without the State of Georgia.

SEC. 5298 (as amended 1914, p. 62). *What wages exempt.*—All persons shall be exempt from the process and liabilities of garnishment on one dollar and twenty-five cents per day of their daily, weekly, or monthly wages and on fifty per cent of the excess thereof, whether in the hands of their employers or others. All wages above the exemption herein provided for shall be subject to garnishment, and garnishee in making answer shall state specifically when the wages therein referred to were earned by defendant and whether the same were earned as daily, weekly, or monthly wages.

"Wages" includes not only per diem wages, but also pay for a laborer at piece or job work. 25 S. E. 27.

Wages have been held to be exempt to forwarding clerk in railroad office. 51 Ga. 576.

Also to a farm laborer hired for six months, but with right to call for his earnings from time to time. 71 Ga. 863.

The wages of a conductor on a street railway are exempt. 38 S. E. 41.

Also a locomotive engineer's monthly wages. 76 Ga. 335.

And the wages of a clerk and bookkeeper in a store. 77 Ga. 306.

And the monthly wages of a private secretary and stenographer. 80 Ga. 570.

Wages were held to be not exempt in the case of school teachers. 54 Ga. 108.

Nor of a railroad passenger conductor. 77 Ga. 386.

Nor of a superintendent in a factory. 73 Ga. 337.

SECS. 5299–5301. *Sending wage claims outside State.*—[Sending claims outside the State for collection with intent to deprive the debtor of his right to have his wages exempt under the laws of the State, if the parties are subject to process within the State, is a misdemeanor; and the debtor may recover any amount attached in such proceedings, together with damages. Assigning or sending such a claim outside the State and the commencement of proceedings is prima facie evidence of violation.]

Contracts of employment—Enforcement

SECTION 5496. *Injunction not to issue.*—Generally an injunction will not issue to restrain the breach of a contract for personal services, unless they are of a peculiar merit or character, and can not be performed by others.

PENAL CODE

Interference with employment—Intimidation, etc.

SECTION 121. *Conspiracy to prevent employment, etc.*—If any two or more persons shall associate themselves together in any society or organization with intent and for the purpose of preventing, in any manner, any person from apprenticing himself to learn and practice any trade, craft, vocation, or calling, or for the purpose of inducing, by persuasion, threats, fraud, or any other means, any apprentice or apprentices to any such trade, craft, vocation, or calling to leave the employment of their employer, or for the purpose, by any means, or preventing or deterring any person from learning and practicing any such trade, craft, vocation, or calling, every such person so associating himself in such society or organization shall be guilty of a misdemeanor.

SEC. 123. *Employing laborer under contract.*—When the servant, cropper, or farm laborer of another is under written contract attested by one or more witnesses, if any person shall employ such servant, cropper, or farm laborer during the term for which he is employed, knowing that he is so employed, and that the term of service has not expired, such person so offending shall be guilty of a misdemeanor.

SEC. 124. *Same subject.*—Whoever shall violate section 3713 of the Civil Code, on the subject of the employment of tenants, employees, and croppers, shall, on the terms prescribed in the Civil Code, be guilty of a misdemeanor.

SEC. 125. *Enticing employees.*—If any person shall, by offering higher wages or in any other way, entice, persuade, or decoy, or attempt to entice, persuade, or decoy any servant, cropper, or farm laborer, whether under a written or parol contract, after he shall have actually entered the service of his employer, to leave his employer during the term of service, knowing that said servant, cropper, or farm laborer was so employed, he shall be guilty of a misdemeanor.

The attempt to entice is an offense, whether or not it was successful. 61 S. E. 289.

SEC. 126. *Making threats, etc.*—If any person or persons, by threats, violence, intimidation, or other unlawful means, shall prevent or attempt to prevent any person or persons in this State from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 127. *Conspiring to prevent employment.*—If any person or persons, singly or together, or in combination, shall conspire to prevent or attempt to prevent any person or persons, by threats, violence, or intimidation, from engaging in, remaining in, or performing the business, labor, or duties of any lawful employment or occupation, such offender or offenders shall be guilty of a misdemeanor.

SEC. 128. *Hindering laborers.*—If any person or persons, singly or by conspiring together, shall hinder any person or persons who desire to labor from so doing, or hinder any person, by threats, violence, or intimidation, from being employed as laborer or employee, such offender shall be guilty of a misdemeanor.

SEC. 129. *Hindering employers.*—If any person or persons, by threats, violence, intimidation, or other unlawful means, shall hinder the owner, manager, or proprietor for the time being from controlling, using, operating, or working any property in any lawful occupation, or shall by such means hinder such person from hiring or employing laborers or employees, such offender or offenders shall be guilty of a misdemeanor.

Seats for female employees

SECTION 130. *Seats to be provided.*—All persons and corporations employing females in manufacturing, mechanical, or mercantile establishments must provide suitable seats, and permit their use by such females when not necessarily engaged in the active duties for which they were employed. Any person who shall fail to comply with the requirements of this section, and the officers of any corporation which shall fail to comply with said requirements, shall be guilty of a misdemeanor.

Exemption of wages—Unlawful assignment of claims

SECTION 131. *Penalty.*—Whoever shall violate section 5299 of the Civil Code, relative to transferring claims to parties without the State, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars and not exceeding fifty dollars for each account or claim so unlawfully transferred, or assigned, or sent out of this State as aforesaid.

Forgery of cards, certificates, etc., of workmen

SECTION 234. *Counterfeiting card of association.*—Any person who shall make, alter, forge, or counterfeit any card or receipt of dues, purporting to be given or issued by any association of railway employees, or by any of its officers, to its members, with intent to injure, deceive, or defraud, shall be punished as for a misdemeanor.

SEC. 235. *Forging employer's certificate.*—Any person who shall falsely make, alter, forge, or counterfeit any letter or certificate purporting to be given by any corporation or person, or officer or agent of such corporation or person, to an employee of such corporation or person at the time of such employee's leaving the service of such corporation or person, showing the capacity or capacities in which such employee was employed by such corporation or person, the date of leaving the service, or the reason or cause of such leaving, with the intent to injure, deceive, or defraud, shall be punished as for a misdemeanor.

SEC. 236. *Uttering or having false cards, etc.*—Any person who shall willfully and knowingly utter, publish, pass, or tender as true, or who shall have in his possession with intent to utter, publish, pass, or tender as true, any false, altered, forged, or counterfeited letter, certificate, card, or receipt, the forging, altering, or counterfeiting whereof is prohibited by either of the two preceding sections, with intent to injure, deceive, or defraud, knowing the same to be forged, shall be punished as for a misdemeanor: *Provided*, That nothing in this and the two preceding sections shall be construed to repeal or change any of the laws against the crime of forgery.

Employment of children to support parents living in idleness

SECTION 449. *Who are vagrants.*—Vagrants are—

* * * * * * *

7. All persons who are able to work and do not work, and who have no property or other means of support, but hire out their minor children and live upon their wages.

* * * * * * *

Fire escapes on factories, etc.

SECTION 511. *Failure to provide fire escapes.*—If the owner of a building more than two stories in height shall fail to comply with the requirements of the Civil Code, and, after receiving the notice prescribed in the Civil Code, shall refuse or neglect to make the alterations specified in said written notice, he shall be guilty of a misdemeanor.

Railroads—Violation of regulation

SECTION 525. *Qualified engineers.*—Any railway company violating the provisions of section 2696 of the Civil Code, on the subject of the qualifications of locomotive engineers, shall be guilty of a misdemeanor and liable to indictment and punishment in any county in this State in which such inexperienced person shall be allowed to work upon such locomotive.

Contracts of employment—Repayment of advances

SECTION 715. *Fraudulently procuring advances.*—If any person shall contract with another to perform for him services of any kind, with intent to procure money or other thing of value thereby, and not to perform the service contracted for, to the loss and damage of the hirer, or, after having so contracted, shall procure from the hirer money, or other thing of value, with intent not to perform such service, to the loss and damage of the hirer, he shall

be deemed a common cheat and swindler, and upon conviction shall be punished as for a misdemeanor.

SEC. 716. *Evidence.*—Satisfactory proof of the contract, the procuring thereon of money or other thing of value, the failure to perform the services so contracted for, or failure to return the money so advanced with interest thereon at the time said labor was to be performed, without good and sufficient cause, and loss or damage to the hirer, shall be deemed presumptive evidence of the intent referred to in the preceding section.

NOTE.—This act is constitutional. Vance *v.* State, 128 Ga. 661, 57 S. E. 889. To sustain conviction, it must be proved that the intent to defraud existed at the time of the execution of the contract. Smith *v.* State, 108 S. E. 130.

Employment of children

SECTIONS 756, 757. *Acrobatic and mendicant employments.*—[Any one letting out or apprenticing a child under 12 years of age as a gymnast, contortionist, beggar, or in any immoral exhibition, or receiving such child for such purposes, is guilty of a misdemeanor.]

ACTS OF 1910

Employment of children—Messenger service

SECTIONS 1, 2. *Night work.*—[The employment of children under 16 years of age in messenger service between 9 p. m. and 6 a. m. is a misdemeanor.]

ACTS OF 1911

Department of commerce and labor

(Page 133)

SECTION 1 (as amended 1913, p. 82). *Creation; commissioner.*—A department of commerce and labor is hereby created and established, the duties of which department shall be exercised and discharged by a commissioner, who shall be designated as commissioner of commerce and labor, by an assistant, and by a chief clerk who shall be a stenographer. Said assistant and said chief clerk shall be appointed by the commissioner. Said commissioner of commerce and labor shall be elected by persons qualified to vote for members of the general assembly, at the same time, in the same manner and under the same rules and regulations as the governor and statehouse officers; and shall hold his office for two years and until his successor is elected and qualified, unless removed in the manner now prescribed by law for the removal of officials of the State government. In case of a vacancy in the office of commissioner of commerce and labor from any cause, such vacancy shall be filled by appointment by the governor, which appointee shall hold office until his successor is elected and qualified. * * * The office of said department shall be kept in the capitol and shall be furnished and provided for as are other departmental offices of the State. Said commissioner and his assistant shall devote their whole time to the duties of their office and shall not hold any other office during their term of office.

SEC. 2 (as amended 1917, p. 88, and 1920, p. 118). *Duty of commissioner.*—The commissioner, aided by his lawful assistants, shall collect and collate information and statistics concerning labor and its relation to capital, showing labor conditions throughout the State; the hours of labor; the earnings of laborers; and their educational, moral and financial condition, and the best means of promoting their mental, moral and material welfare; shall investigate the cause and extent of labor shortage, and the migration of labor; shall also collect and collate information and statistics concerning the location, capacity of mills, factories, workshops and other industries, and actual output of manufactured products, and also the character and amount of labor employed; the kind and quantity of raw material annually used by them, and the capital invested therein; and such other information and statistics concerning the natural resources of the State and the industrial welfare of the citizens as may be deemed necessary and of interest and benefit to the public and by the dissemination of such data to advertise the various industrial and natural resources of Georgia in order to attract desirable settlers

and to bring capital into the State. The department of commerce and labor is also charged with the following duties:

Paragraph A. *Free employment offices.*—As soon as practicable after the passage of this act, the commissioner shall organize a division of labor or free employment bureau, having for its purpose the listing of the names of all persons desiring employment in this State and the endeavor to secure employment for such persons, and the listing of the names of such persons, firms or corporations applying for labor and the endeavor to supply the demand. In conducting the division of labor the commissioner of labor is herewith authorized and empowered to assist and act in concert with any person or persons, county organization, municipal or governmental agency, having for its purpose the distribution of labor in this State, not conducted for profit, and to cooperate with similar exchanges in other States and with the United States Employment Service, and in every other way the commissioner is charged with the duty of endeavoring to be of assistance to both employer and employee, and of working in harmony with others having a like end in view, and for which no remuneration is received. For securing employment for those who wish employment and for securing labor for those who need help there shall be no charge whatever made or accepted, directly or indirectly, by any person connected with the department of commerce and labor. All officials of the State and the various counties of the State are herewith charged with the duty of lending such aid and assistance as may be called for by the commissioner: *Provided*, Said commissioner may inquire into the cause of strikes and lockouts, and other disagreements between employer and employees; and, whenever practicable, offer his good offices to the contending parties with a view of bringing about friendly and satisfactory adjustments thereof.

Par. B. *Private employment offices.*—The commissioner shall exercise jurisdiction over each person, firm or corporation acting as a private employment agent, intelligence bureau or employment agency, hereinafter referred to as agency; shall, as frequently as may be necessary, examine into the condition of each agency; shall require each agent to make application for license to do business, which application must be indorsed by two taxpayers in the county where such agency proposes to conduct business, said license to be granted by the commissioner upon the payment to the State of such tax as may be charged, and the filing of a bond in the sum of five hundred ($500) dollars for the faithful performance of duty, said license to be renewed annually. The commissioner shall require each agency to report to him once a month in writing, showing the names, addresses, and number of persons for whom positions were secured, where secured, the kind of position, the pay of same, the amount of fee collected and the amount still to be collected. Nothing in this paragraph shall authorize an employment agency or person connected with such agency, or any employee thereof, to act as an emigrant agent. If any agent is found violating the law it shall be the duty of the commissioner to immediately proceed to have such person presented to the proper authorities for prosecution and to cancel the license to do business.

Par. C. *Emigrant agents.*—The commissioner shall exercise jurisdiction over each person, firm or corporation acting as an emigrant agent or agency, hereafter referred to as emigrant agent; shall require each emigrant agent to make application for license to do business, said application to be indorsed by two taxpayers and accompanied by a bond of one thousand ($1,000) dollars for the faithful performance of duty, and the payment of such tax as may be required by law. Each emigrant agent shall make a daily report to the commissioner showing the names, the addresses, and number of people carried out of the State, the points to which they have been carried, the kind and character of work secured for them, the pay to be received by them, the fee charged them or to be collected, and from whom. The emigrant agent must show clearly by whom employed, if paid a salary, or from whom he receives a commission, and how much. The commissioner shall inspect the office and work of each emigrant agent as often as may be necessary, and, if any emigrant agent is found to be violating the law, it shall be the duty of the commissioner to immediately proceed to have such person presented to the proper authorities for prosecution and to cancel the license to do business. Each emigrant agent must secure annually a license to do business. In contemplation of this act, the emigrant agent is any person who shall solicit or attempt to procure labor in this State to be employed beyond the limits of the same.

Par. D. *Employers of labor.*—Any person desiring to secure labor within the State for the use of himself beyond the boundaries of the State must first notify the commissioner of his intention to secure labor within the State for use outside the State, stating how many laborers are to be secured, where the labor is to be secured, and where said labor is to be transported, the pay to be given said labor, why the labor can not be secured in the State where it is to be used, the average number of laborers employed, and any additional facts concerning the movement of such labor desired by the commissioner. If satisfied that the person desiring to secure such labor is acting bona fide for himself and desires the labor for his sole use and behalf outside the State, the commissioner may issue a permit for the removal of such labor beyond the confine of the State, if in his judgment the labor can be spared by the section from which it is sought to be carried.

Par. E. *Violations.*—Any person, firm, or corporation, or any employee of such person, firm or corporation, who shall fail and refuse to give any information called for by said act, or who shall make any false representation relative thereto, such person or persons shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished as prescribed in section 1065 of the Penal Code of 1910.

Sec. 3. *Blanks to be furnished.*—The commissioner shall furnish suitable blanks to the heads of the various industries of this State, upon which answers are desired in the collection of such statistical data.

But no use shall be made in the report of the department of the names of individuals, firms, or corporations supplying the information called for by this act, such information being deemed confidential, and not for the purpose of disclosing any person's private affairs.

All officers of the various counties of this State shall, when called upon, furnish the commissioner such statistical and other information within their official knowledge or keeping, concerning such industrial and other interests, within the purview and intent of this act.

Sec. 4. *Law enforcement.*—Said commissioner shall make investigation concerning the operation of the various laws relating to the safety of the life and limb of employees, especially those concerning the employment of child labor, and of women, and he shall take legal steps looking to the proper enforcement and due observance of such laws.

Sec. 5. *Strikes, etc.*—Said commissioner may inquire into the causes of strikes and lockouts, and other disagreements between employers and employees; and, whenever practicable, offer his good offices to the contending parties with a view of bringing about friendly and satisfactory adjustments thereof.

Sec. 6. *Reports.*—The commissioner shall annually publish a report addressed to the governor, embodying therein such information and statistics as he may deem expedient and proper, which report shall be printed and paid for by the State just as reports of other public officers are printed and paid for. The number of copies of such report to be printed to be designated by the commissioner. He shall also make a full report to the governor as other officers are required to do, embodying therein such recommendations as he may deem calculated to promote the efficiency of his department.

Sec. 7 (as amended 1919, p. 278). *Salary, etc.*—The commissioner shall receive a salary of thirty-six hundred dollars per annum; the assistant commissioner eighteen hundred dollars per annum; and the chief clerk and stenographer fifteen hundred dollars per annum; and eighteen hundred dollars per annum shall be allowed for the incidental expenses of said department, including the actual traveling expenses of said commissioner, assistant and chief clerk, while traveling for the purpose of collecting information and statistics as provided in this act.

ACTS OF 1912

Bonds of employees—Railroads, etc.

(Page 159)

Section 1. *Freedom in choice of companies.*—From and after January 1st, 1913, no common carrier authorized to do business in this State when requiring of an employee that he give bond or undertaking of any nature whatsoever shall require as surety thereon any one or more specific or certain bonding company or companies as surety thereon: *Provided, however*, That nothing herein shall be construed so as to prevent any common carrier from specifying the form or verbage [verbiage] of such bond.

SECS. 2, 3. *Cancellation; violation.*—[Either party may cancel such contract of surety on breach of a condition, after ten days' notice and a statement of the reasons for such action, but this does not affect the right of any person to sue upon the breach of the contract. Violations are misdemeanors.]

ACTS OF 1914

Employment of children—General provisions

(Page 88)

SECTION 1. *Age limit.*—[The employment of children under the age of 14 in mills, factories, laundries, and places of amusement is forbidden, except for children over 12 who are orphans or have dependent widowed mothers.]

SECS. 2, 3. *Certificates.*—[Children under the age of 14 years and 6 months must have a certificate from the school superintendent stating the age, and that the child has attended school not less than 12 weeks within the 12 months prior to issue. Such certificates must state the name, date, and place of birth, etc.; that the child has appeared before the issuing officer, and that there is satisfactory evidence of age. The commissioner of labor furnishes blanks and receives a duplicate copy of certificates issued. He may investigate as to age and may revoke certificates improperly issued.]

SEC. 4. *Night work.*—[Children under the age of 14 years and 6 months may not be employed in mills, factories, etc., between 7 p. m. and 6 a. m.]

SEC. 5. *Enforcement.*—[The commissioner of labor is charged with the enforcement of the act.]

SEC. 6. *Violations.*—[Violations by employers, parents, or school authorities are misdemeanors.]

SEC. 8. *Children of widows, etc.*—[Self-supporting orphans or children of dependent widows may work in mills, factories, etc., if 12 years of age if it is found by a commission consisting of the county school superintendent, the ordinary of the county, and the head of the local school that their labor is needed for their own or their mothers' support. A certificate will issue, valid for but 6 months, and a period of school attendance may be required before issuance.]

Employment of children—Certificates

(Page 157)

SECTION 17. *Registry.*—[The act providing for registration of vital statistics directs that after 14 years from its passage certified copies of birth registration certificates shall be required, and shall be prima facie evidence of age for children's employment certificates.]

ACTS OF 1916

Employment of children—School attendance

(Page 101)

SECTION 1. *Attendance required.*—[Children under the age of 14 must attend school for four months each year, unless, among other reasons, because of poverty their services are needed for the support of parents or other dependents; or unless they are excused in farming districts on account of seasonal agricultural labor.]

Factory, etc., regulations—Inspector

(Page 113)

SECTION 1. *Appointment authorized.*—The commissioner of commerce and labor shall have the power and authority to appoint one factory inspector to aid in the enforcement and observance of the new child labor law, and such other laws as are now or may hereafter come under the jurisdiction of the department of commerce and labor.

SEC. 2. *Duties.*—Said inspector shall work under the direction and supervision of the commissioner of commerce and labor, and shall make a written report of each inspection of factories, manufacturing establishments, work-

shops, and mercantile establishments to said commissioner, to be of [on] file in the department of commerce and labor, and shall collect such information and statistics as the commissioner may direct and under the direction and supervision of the commissioner may institute proceedings against any person, firm, or corporation found violating any of the laws with the enforcement of which said department is charged.

SEC. 3. *Salary, etc.*—The inspector shall receive a salary of $1,200 per annum, payable in the manner prescribed for other statehouse officials, and shall further receive out of the contingent fund of the department of commerce and labor his necessary traveling expenses while on the road making inspections and collecting information and statistics for the department, said expense vouchers to be approved by the commissioner of commerce and labor.

ACTS OF 1919

ACT No. 43.—*Payment of wages—Semimonthly pay day*

(Page 388)

SECTION 1. *Scope of law.*—Every person, firm or corporation, including steam and electric railroads, but not including farming, saw-mill, and turpentine industries, employing wage-workers, skilled or unskilled, engaged in manual, mechanical or clerical labor including all employees, except officials, superintendents, or other heads or sub-heads of departments, who may be employed by the month or year at stipulated salaries, shall make payments in lawful money, or checks, of the United States to said employees, laborers and workers or to their authorized representatives; such payments to be made on such dates during the month as may be decided upon by such person, firm or corporation: *Provided, however*, That such dates as may be selected shall amount to an equal division of the month in respect to the time of payments, the full net amount of wages or earnings due said employees, laborers and wage-workers, and in case any such employer shall refuse or willfully fail to make payments when demanded, upon the regular days of payment, to such wage-earner, said employer, the members of the firm, the directors, officers, and superintendents or managers of corporations and associations shall, upon conviction, be sentenced to pay a fine not exceeding two hundred dollars: *Provided*, No person, firm or corporation is not in a financial condition to pay said wages, [sic] or salary, but insolvency shall be the only defense to an indictment for such an offense, and an extension of time within which to pay said wages or salary shall operate to make the offense under this act to be committed on date last agreed upon for payment of same.

ACTS OF 1923—EXTRAORDINARY SESSION

Private employment offices—Wage brokers—License tax

PARAGRAPH 58. *Employment offices.*—[Upon all employment agencies or bureaus doing business in this State, $50 for each county.]

PAR. 111. *Wage brokers.*—[Upon each person, firm, or corporation or partnership buying salary or wage accounts and all negotiable papers, $100 for each office and place of business maintained.]

HAWAII

REVISED LAWS—1915

Employment of labor on public works

SECTION 157 (as amended by No. 19, Acts of 1923). *Aliens.*—All officers, deputies, clerks, assistants, interpreters, police, laborers, and other persons employed in the service of the government of the Territory of Hawaii, or in the service of any county or municipal subdivision of said Territory, shall be citizens or eligible to become citizens of the United States of America; except that in cases where it is not reasonably practicable to obtain citizens competent for such service, persons other than citizens may be employed; * * *

SEC. 158. *Violations.*—Any public official who shall violate any provisions of section 157 shall be liable upon conviction to a penalty of not less than ten dollars nor more than one hundred dollars, discretionary with the court.

SEC. 159. *Semimonthly pay days.*—The fifteenth and last days in each month shall be the pay days of all employees engaged in constructing or repairing roads, bridges, or streets for the Territory of Hawaii.

SEC. 160. *Aliens not to be employed.*—No person shall be employed as a mechanic or laborer upon any public work carried on by this Territory, or by any political subdivision thereof, whether the work is done by contract or otherwise, unless such person is a citizen of the United States, or eligible to become a citizen: *Provided, however,* That in the event that unskilled citizen labor, or unskilled labor eligible to become citizen labor, can not be obtained to do the required work, the superintendent of public works, or the county board of control, or the mayor, or other chief executive of any municipality, respectively, shall have the power to issue permits to employ other than citizen, or eligible to become citizen, unskilled labor until such citizen, or eligible to become citizen, unskilled labor can be obtained.

SEC. 161. *Hours of labor.*—Eight hours of actual service on any working day, except on Saturday, on which day only five hours of actual service shall constitute a day's labor for all mechanics, laborers, clerks, and other employees employed upon any public work or in any public office of this Territory, or any political subdivision thereof, whether the work is done by contract or otherwise.

SEC. 162. *Contract.*—A stipulation that no mechanics, clerks, laborers, or other employees employed upon any public work in the employ of the contractor or subcontractor shall be required to work more than eight hours in any one calendar day, except in cases of extraordinary emergency, and that no mechanic or laborer, other than a citizen of the United States, or person eligible to become a citizen, shall be employed, shall be contained in every contract to which the Territory or any political subdivision thereof is a party.

SEC. 163. *Violations.*—[Violations of sections 160-163 are punishable by a fine of from $10 to $100 for each offense. Each day a mechanic, clerk, etc., is employed contrary to the law is a separate offense. Contracts not in compliance with section 162 are void.]

Employment of children—School attendance

SECTION 286. *Requirement.*—[Attendance is compulsory to 15 years of age, unless 14 and suitably employed under direction of parent or guardian.]

Department of immigration, labor, and statistics

SECTION 643. *Department created.*—There is hereby established within and for the Territory of Hawaii a department of immigration, labor, and statistics, which shall be in charge of a board of immigration, labor, and statistics.

SEC. 644. *Appointed, how.*—The board shall be composed of five members, who shall be appointed by the governor in the manner prescribed in section 80 of the organic act, for terms of five years or the unexpired periods thereof, so that the term of one member shall expire on April 30 in each year, beginning with 1912.

SEC. 645. *Organization.*—One of the members shall be president of the board and shall be so designated in his appointment. The members shall be entitled to reimbursement for their actual expenses in attending meetings of the board. The board may, with the approval of the governor, appoint a commissioner of immigration, labor and statistics, who shall receive such compensation out of the funds at the disposal of the board, as shall be prescribed by the board, with the approval of the governor. The board may appoint such other officers, agents and servants as it may deem necessary, and regulate their powers and duties consistently with law, and may procure for its use necessary offices. It may remove such commissioner and any of its other officers, agents and servants.

SEC. 646. *Duties.*—The board may make full inquiry, examination and investigation into the condition, welfare, and industrial opportunities of all immigrants and settlers arriving or being within the Territory. It may also collect information with respect to the need and demand for labor by the several agricultural, industrial, and other productive activities throughout the Territory; gather information with respect to the supply of labor afforded by such immigrants and settlers as shall from time to time arrive or be within the Territory; ascertain the occupations for which such persons may be best adapted and bring about intercommunication between them and those requiring labor; investigate the treatment accorded them; cooperate with public and philanthropic agencies designed to aid in the distribution and employment of labor, and devise and carry out such other suitable methods as will tend to prevent or relieve unemployment.

SEC. 647. *Powers.*—The board may make all contracts and do all acts necessary or proper for securing low rates of fare to immigrants, for paying their passage money and otherwise facilitating their transportation, and for their reception and temporary accommodation.

SEC. 648. *Records.*—The board shall, as far as possible, keep a record showing the places of residence and the occupations followed by every immigrant brought to Hawaii at the expense of the Territory for at least a year next preceding the embarkation of said immigrant for Hawaii.

SEC. 649. * * * *Labor camps, investigations, etc.*—The board may inspect all labor camps within the Territory, and all employment and contract labor agencies.

The board shall investigate complaints with regard to fraud or extortion practiced against alien and other immigrants introduced under its auspices, or otherwise, and shall present to the proper authorities the results of such investigation, for action thereon; and shall investigate and study the general social and economic conditions of alien and other immigrants and settlers within the Territory for the purpose of promoting their welfare and that of the Territory, and inducing remedial action by appropriate public and private agencies.

SEC. 651. *Reports.*—It shall be the duty of the board to make an annual report to the governor, to be by him laid before the legislature. Such report shall give an itemized statement of all moneys received by the board and from what source received, and to whom and for what purpose paid, during the preceding fiscal year. It shall show also the number of immigrants brought to Hawaii at the expense of the Territory during such year, together with the race, nationality, age, sex, conjugal condition, literacy, and the residence and occupation, so far as possible, for at least one year preceding the embarkation of every such immigrant. It shall also show the per capita cost of introducing such immigrants to Hawaii. It shall also show other matters which the board is empowered to investigate or to act upon under this act, and such statistics relating to the Territory of Hawaii as the legislature, or the governor, may from time to time direct to be gathered.

Tenement and lodging houses—Inspection, etc.

SECTION 971. *Roof, air space, etc.*—Every house or tenement used or occupied as a dwelling for lodgers or contract laborers shall be kept by its owner in good repair, with the roof water-tight, and shall have the capacity of not less than three hundred cubic feet of space for each adult, or nine hundred cubic feet for one man and woman and two children.

SEC. 972. *Sanitation.*—The yard and grounds about all dwellings shall be well drained and kept free from rubbish of every description, with a closet, or privy, also to be kept in repair by the lodging-house keeper or employer of laborers, for every six adults.

SEC. 973. *Access to be given.*—Every owner or keeper and every other person having the care or management of a lodging-house or of a dwelling for contract laborers, shall at all times when required by the board of health or its agents give free access to such house or any part thereof.

SEC. 974. *Penalty.*—Every lodging-house keeper or employer of laborers who shall fail to comply with the provisions of this chapter shall pay a fine not exceeding fifty dollars.

Contracts of employment—Stamp duties

SECTION 1369. *Tax on employers.*—[A stamp duty of $1 (50 cents on the original contract and 50 cents on the duplicate copy) to be paid by the employer on each contract for labor for each year or fractional part thereof, is prescribed.]

Private employment offices

SECTION 2025. *Fee.*—[An annual license fee of $25 is required.]

Public service employees—Duties of commission—Accidents

SECTION 2225. *Powers of commission.*—The [public utilities] commission and each commissioner shall have power to examine into the condition of each public utility doing business in the Territory, the manner in which it is operated with reference to the safety or accommodation of the public, the safety, working hours and wages of its employees, * * * and all matters of every nature affecting the relations and transactions between it and the public or persons or corporations. Any such investigation may be made by the commission on its own motion, and shall be made when requested by the public utility to be investigated, or upon a sworn written complaint to the commission, setting forth any prima facie cause of complaint. All hearings conducted by the commission shall be open to the public. A majority of the commission shall constitute a quorum.

SEC. 2227. *Accidents to be reported.*—Every public utility shall report to the commission all accidents caused by or occurring in connection with its operations and service, and the commission shall investigate the causes of any accident which results in loss of life, and may investigate any other accidents which in its opinion require investigation.

Wages—Suits—Exemptions

SECTION 2469. *Exemptions.*—[Homestead exemption does not apply where wages of mechanics are involved.]

SEC. 2470. *Amount exempt.*—[Exempts from attachment or execution one-half the wages due every laborer or person working for wages.]

Inducing workmen to leave employment

SECTION 2474. *Injunction.*—Any person or persons or corporation shall be entitled to an injunction in equity against any other person, persons, or corporation who shall endeavor or threaten, by promise of employment outside the Territory of Hawaii, to induce, entice, or persuade servants or laborers to leave their employment as aforesaid or to aid or abet such leaving, whenever it shall appear that the person, persons, or corporation against whom the injunction is sought are without sufficient property liable to execution within the Territory of Hawaii to respond in damages for said inducing, enticing or persuading servants or laborers to leave their employment as aforesaid or for aiding or abetting such leaving as aforesaid or otherwise that the complainant is without a plain, adequate, and complete remedy at law.

SEC. 2674. *What actionable.*—Inducing, enticing, or persuading by promise of employment outside the Territory of Hawaii, or attempting to so induce, entice, or persuade any servant or laborer who shall have contracted, either orally or in writing, to serve his employer a specific length of time, to leave the service of said employer during such time, without the consent of said employer, or aiding or abetting, or attempting to aid or abet, any such servant or laborer in leaving said service during the term thereof, for the purpose of leaving the Territory of Hawaii, without the consent of said employer, is hereby declared actionable, and damages may be recovered of any person or persons or corporation committing any of the acts aforesaid.

Garnishment of wages

SECTION 2803. *Exemption.*—[Court may on hearing direct wage debtor not to pay defendant employee more than 75 per cent of wages, balance to be held to satisfy judgment.]

SEC. 2804. *Duty of employer.*—[If judgment is certified to employer he shall continue to pay plaintiff 25 per cent of defendant's wages until judgment is extinguished or defendant leaves employment.]

SECS. 2818, 2819. *Public employment.*—[Provisions as to garnishment of salary or wages apply to officers and employees in the service of the Government of Hawaii or of its municipalities.]

Payment of wages—Deductions, offsets, etc.

SECTION 3446 (as amended 1921, No. 133). *Deductions.*—It shall be unlawful for any person, firm, partnership, or corporation, within this Territory, to deduct and retain any part or portion of any wages due and payable to any laborer or employee, or to collect any store account, offset, or counterclaim without the written consent or [of] such laborer or employee or by action at court as provided by law.

SEC. 3447. *Fines, offsets, etc.*—No fines, offsets, or counterclaims shall be collected, deducted, or retained out of any wages due and payable to any laborer or employee by any person, firm, partnership, or corporation in this Territory, unless by action in court and judgment therefor first obtained as provided by law.

SEC. 3448. *Penalty.*—Any person, partnership, firm, or corporation who shall violate any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars and not more than one hundred dollars.

Interference with employment—Conspiracy

SECTION 4076. *Definition.*—A conspiracy is a malicious or fraudulent combination or mutual undertaking or concerting together of two or more, to commit any offense or instigate anyone thereto, or charge anyone therewith; or to do what plainly and directly tends to excite or occasion offense, or what is obviously and directly wrongfully injurious to another:

For instance—

* * * * * * *

To prevent another, by indirect and sinister means, from exercising his trade, and to impoverish him;

* * * * * * *

SEC. 4077. *Parties.*—Any person knowingly acceding to and joining in a conspiracy after the same is formed is a party thereto no less than the one who originally takes part in forming the same.

SEC. 4078. *Act not requisite.*—It is not requisite that the act agreed upon should be done or attempted in pursuance of the conspiracy; the conspiracy itself constitutes the offense.

SEC. 4079. *Act of each is act of all.*—The act of each party to a conspiracy, in pursuance thereof, is the act of all.

Employment of children—Night work of girls

SECTIONS 4197, 4198. *Age limit.*—[Employment of girls under the age of 16 is forbidden between the hours of 9 p. m. and 6 a. m. in mercantile or manufacturing establishments, canneries, sugar mills, workshops, offices, restaurants, hotels, apartment houses, or as messengers or delivery girls; penalty not less than $50 nor more than $200 fine or imprisonment not over 60 days, or both.]

Inducing workmen to leave employment

SECTION 4201. *Penalty.*—[Provides penalty for enticing workman under contract by promising employment outside the Territory, fine not to exceed $500 or imprisonment not to exceed six months, or both.]

Protection of immigrant labor

SECTION 4202. *Hiring for emigration forbidden, when.*—To aid in preventing newly arrived immigrants into this Territory from being misled by false and mischievous representations of emigrant agents seeking to withdraw such immigrants from the Territory, thereby discouraging the efforts of the Territory and its citizens, made at great expense, to introduce desirable population, the hiring for employment out of this Territory of any immigrant coming into this Territory, or the inducing, abetting, and enticing of such immigrant to leave the Territory by any licensed emigrant agent, is hereby forbidden for the period of thirty days following the date of the arrival of such immigrant into the Territory, except with the consent and approval of the board of immigration, or any legal successor in powers and duties to such board.

SEC. 4203. *Records of immigrant laborers.*—It shall be the duty of the Territorial board of immigration, or any legal successor in powers and duties to such board, to keep an accurate record open to public inspection of all immigrants subject to the provisions of section 4202, showing among other things the date of the arrival of such immigrant into this Territory.

SEC. 4204. *Violations.*—Anyone violating the provisions of section 4202 shall be deemed guilty of a misdemeanor, and upon conviction shall forfeit his license and be subject to a fine not to exceed one thousand dollars or imprisonment for not more than six months, or by both such fine and imprisonment.

ACTS OF 1915

ACT No. 64.—*Garnishment of wages*

SECTION 1 (as amended 1921, No. 202). *Subsequent employers.*—[When a wage earner is subject to a judgment of garnishment, and leaves the service of the garnished employer, any subsequent employer may be furnished a copy of the judgment, and is thereby charged with the payment of the judgment.]

ACTS OF 1917

ACT No. 115.—*Factory, etc., regulations—Fire marshal*

SECTION 49. *Appointment; duties.*—(1) The [insurance] commissioner shall be ex-officio Territorial fire marshal, herein designated fire marshal. He shall appoint one of his assistants as chief deputy and may appoint such clerks as he shall find necessary and he shall fix their duties and compensation. All salaries and expenses of the fire marshal department shall be paid out of the treasury of the Territory.

(2) The fire marshal, in conjunction with or through other public officers upon whom any such duties are imposed, if any, shall enforce all laws and ordinances of the Territory and political subdivisions thereof relating to:

(*a*) The prevention of fires, and the inspection of property, periodically or otherwise, or any other regulations or methods adopted for the prevention of or reduction of loss by fire, or to promote the safety of persons in case of fire;

(*b*) The manufacture, storage, sale, and use of combustibles and explosives;

(*c*) The installation and maintenance of automatic or other fire alarm systems and fire extinguishing equipment;

(*d*) Fire escapes and other means of exit from or access to buildings or parts of buildings or other property in case of fire;

* * * * * * *

(13) Every owner or other person having charge of or control over any building, structure, or other premises, in this section designated "owner," shall construct, keep, and make such building, structure, or other premises, in this section designated "building," safe from loss or damage to property or loss of life, or injury to persons by fire, in this section designated "fire loss."

(14) No such owner shall require, permit, or suffer the public or any employee to go or be in any such place which is not safe, and no such owner shall fail to furnish, provide, and use reasonably adequate protection and safeguards against fire or fail to adopt and use processes and methods reasonably adequate to render such places safe, and no such owner or other person shall fail or neglect to do every other thing reasonably necessary to prevent a fire loss in such building so under his charge or control.

ACTS OF 1919

Act No. 218.—*Wages of laborers on public works*

Section 1. *Minimum.*—The minimum pay of laborers on public works throughout the Territory of Hawaii shall be not less than two and 25/100 dollars ($2.25) per day.

ACTS OF 1921

Act No. 187.—*Employment of children—Hours of labor*

Sections 1, 2. *Work time.*—[The employment of any child under the age of 16 more than 8 hours per day or 48 hours per week or between 9 p. m. and 5 a. m. is forbidden. Penalty, $25 to $100 fine, or imprisonment not over 30 days, or both.]

ACTS OF 1923

Act No. 189.—*Interferenee with employment—Picketing*

Section 1. *Picketing unlawful, when.*—It shall be unlawful for any person or persons, singly or conspiring together, to interfere, or attempt to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, by doing any of the following acts, to wit, to use profane, insulting, indecent, offensive, annoying, abusive, or threatening language toward such person or any member of his or her immediate family, or in his, her, or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to quit his or her employment, or to refrain from seeking or freely entering into employment; or to persist in talking to or communicating in any manner with such person or members of his or her immediate family against his, her, or their will, for such purpose; or to follow or intercept such person on his or her way to or from his or her work, to or from his or her home or lodging, or to or from any other place for such purpose, and against the will of such person; or to photograph such person against his or her will; or to menace, threaten, coerce, intimidate or frighten, in any manner, such person for such purpose; or to commit an assault or assault and battery upon such person, for such purpose, or to loiter about, picket or patrol the place of work or residence of such person, or any street, alley, road, highway, or any other place, where such person may be, or in the vicinity thereof, for such purpose, against the will of such person.

Sec. 2. *Congregating about place of business.*—It shall be unlawful for any person or persons, singly or conspiring together to loiter about, beset, patrol, or picket in any manner the place of business or occupation of any person, firm or corporation engaged in any lawful business or occupation, or any street, alley, road, highway or other place, in the vicinity where such person, firm or corporation may be lawfully engaged, in his, their or its work, business or occupation, for the purpose of inducing or influencing, or attempting to induce or influence others to trade with, buy from, sell to, work for, or have business dealings with such person, firm, or corporation, so that thereby the lawful business or occupation of such person, firm or corporation will be obstructed, interfered with, injured, or damaged, and such person, firm or corporation thereby be induced or coerced against his, their or its will, intimidated, or threatened, to do something, he, they, or it may legally refrain from doing, or to refrain from doing something, he, they, or it may lawfully do.

Sec. 3. *Penalty.*—Any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars ($1,000) or by imprisonment for not more than one year, or both.

IDAHO

CONSTITUTION

ARTICLE 13.—*Immigration and labor*

SECTION 1. *Bureau of immigration, etc.*—There shall be established a bureau of immigration, labor, and statistics, which shall be under the charge of a commissioner of immigration, labor, and statistics, who shall be appointed by the governor, by and with the consent of the senate. The commissioner shall hold his office for two years, and until his successor shall have been appointed and qualified, unless sooner removed. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity. The commisioner shall annually make a report in writing to the governor of the State of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

SEC. 2. *Hours on public works; health and safety.*—Not more than eight hours actual work shall constitute a lawful day's work on all State and municipal works, and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, mines, and ore reduction works.

SEC. 4. *Employment of children in mines.*—The employment of children under the age of fourteen years in underground mines is prohibited.

SEC. 5. *Alien labor on public works.*—No person, not a citizen of the United States, or who has not declared his intention to become such, shall be employed upon, or in connection with, any State or municipal works.

SEC. 7. *Arbitration of labor disputes.*—The legislature may establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between laborers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

SEC. 8. *Duty of commissioner*—The commissioner of immigration, labor, and statistics shall perform such duties and receive such compensation as may be prescribed by law.

COMPILED STATUTES—1919

Department of immigration, labor, and statistics

SECTION 251. *Department created.*—Civil administrative departments of the State government are created as follows:

* * * * * * *

4. Department of immigration, labor, and statistics.

* * * * * * *

SEC. 253. *Officers.*—The following officers are created:

* * * * * * *

Commissioner of immigration, labor, and statistics, for the department of immigration, labor, and statistics.

* * * * * * *

SEC. 331. *Duties.*—The department of immigration, labor and statistics is the bureau of immigration, labor, and statistics heretofore established by law. It shall have power:

1. To promote the welfare of workers and to improve their commercial, industrial, social, and sanitary condition.

2. To collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

3. To visit and inspect, during reasonable hours, all shops, factories, and mercantile establishments and other places where workmen are employed, as often as practicable, and to cause the provisions of law to be enforced therein.

4. To inspect the sanitary conditions, system of sewerage, system of heating, lighting and ventilating of rooms where persons are employed at labor and the means of exit in case of fire or other disaster, within or connected with shops and factories. To examine the machinery in and about such shops and factories to see that it is not located so as to be dangerous to employees when engaged in their ordinary duties.

5. To collect and compile reliable data which if disseminated would tend to the development of the State by inducing population and capital to come within its borders.

6. To declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render employees and places of employment safe.

7. To fix and order such reasonable standards for the construction, maintenance, and repair of places of employment as shall render them safe.

8. To require the performance of any act necessary for the protection of the life, health, and safety of employees.

Employment of children—General provisions

SECTION 1024. *Age limit; night work.*—[Employment of children under 14 is forbidden in, or in connection with, any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in distribution or transmission of merchandise or messages; or in any business or service whatever during the hours public school is in session; or after 9 p. m. or before 6 a. m. If over 12, may be employed in occupations named above during vacations of two weeks or more.]

SEC. 1025. *Illiterates.*—[Employment during school hours is forbidden till 16 years of age, if illiterate.]

SEC. 1026. *Records.*—[Employers are required to keep records of minors 14 to 16 years of age in occupations named in section 1024.]

SEC. 1027. *Work time.*—[Children under the age of 16 may not work over 54 hours per week or 9 hours per day or between 9 p. m. and 6 a. m.]

SEC. 1028. *Penalties.*—[Penalties on employers violating law, and on parents, etc., permitting unlawful employment are fines not to exceed $50; and $5 to $20 for each day's unlawful employment after notice from a truant officer.]

SEC. 1029. *Employments forbidden.*—[The use, employment, or letting of any child under the age of 16 for theatrical, acrobatic, mendicant, etc., employments is forbidden.]

SEC. 1031. *Enforcement.*—[Probation officers and school trustees are to bring complaint.]

Employees in slaughterhouses

SECTION 1759. *Clothing, etc.*—[Outer clothing, aprons, etc., of employees handling meat and meat products must be of sanitary material and cleansed daily; hands must be kept clean.]

SEC. 1760. *Toilets, etc.*—[Ample and properly equipped toilets, wash rooms, etc., must be provided and maintained separate from work and storage rooms.]

SEC. 1761. *Wash rooms.*—[Wash rooms must be properly ventilated, windows and doors screened, and cuspidors provided.]

Department of immigration, labor, and statistics

SECTION 2268. *Office established.*—In conformity with the requirements of section 1, Article XIII, of the constitution of the State of Idaho, a bureau of immigration, labor, and statistics for the State is hereby established, which is the department of immigration, labor, and statistics.

SEC. 2269. *Commissioner.*—It shall be the duty of the governor, by and with the consent of the senate, to appoint a competent person as commissioner of immigration, labor, and statistics, who shall have charge of said department, and who shall hold his office for the term provided in Article XIII of the constitution. He shall receive a salary of $3,600 a year, and such additional sum for general expenses, including his traveling expenses, printing, clerical hire, and other actual and necessary expenses of his office, as the legislature

shall authorize and appropriate, to be paid as are the salaries and expenses of other State officers. Before entering upon the duties of his office he shall take oath for the faithful discharge of the duties thereof, the same as other State officers. The secretary of state shall provide a suitable room for the use of said department and furnish the necessary fuel, light, and appurtenances. All books, papers, and documents in the office of said commissioner shall be deemed public records of the State, and shall be transferred by him to his successor in office.

SEC. 2270. *Duties.*—It shall be, and is hereby made, the duty of said commissioner to collect and compile all reliable data and information at his command, concerning the climate, soil, and various resources of the State; its agricultural, horticultural, mineral, timber and grazing lands, and industries, and the development thereof; * * * the wages and hours of labor, both skilled and common, and its relation to capital; and, generally, any information, which if disseminated abroad, would tend to the development of the State by inducing population and capital to come within its borders. * * *

SEC. 2271. *Powers.*—In order to enable said commissioner to secure the above required information, he is hereby clothed with the power to call upon officers of the State, county assessors, superintendents of public instruction, and other officers, for such information as he may desire and deem valuable in his department.

SEC. 2274. *Report.*—The commissioner shall, on or before the first day of December in each year, transmit to the governor a full and complete report of the doings of his office, including a tabulated statement of all statistics accumulated in his office, and a detailed and itemized account of the expenses thereof.

SEC. 2275. *Statistics of labor.*—The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity, and assort, systematize, print and present in annual reports to the governor, on or before the first day in December of each year, statistical details relating to all departments of labor in this State, including the penal institutions thereof, particularly concerning the hours of labor, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, wages earned, the savings from the same, the culture, moral and mental, with age and sex, of laborers employed, and number and character of accidents, the sanitary condition of institutions and other places where labor is employed, as well as the influence of the several kinds of labor, and the use of intoxicating liquor upon the health and mental condition of the laborer, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the annual rental of the same, the average number of members in the families of married laborers and mechanics, the value of property owned by laborers and mechanics, together with the value of property owned by such laborers or mechanics (if foreign born), upon their arrival in this country, and the length of time they have resided here, the subject of cooperation, strikes, or other labor difficulties, trades-unions, and other labor organizations, and their effects upon labor and capital, with such other matter relating to the commercial, industrial, and sanitary condition of the laboring classes, and permanent prosperity of the respective industries of the State, as such department may be able to gather, accompanied by such recommendations relating thereto as the department shall deem proper.

Arbitration of labor disputes—Labor commission

SECTION 2280. *Commission created.*—There shall be, and is hereby, created a commission to be composed of two electors of the State which shall be designated the labor commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2281. *Appointment.*—The members of said commission shall be appointed by the governor, by and with the advice and consent of the senate; and shall hold office for two years and until their successors shall have been appointed and qualified. One of said commissioners shall have been for not less than six years of his life an employee, for wages, in some department of industry in which it is usual to employ a number of persons under single direction and control and shall be at the time of his appointment affiliated with the labor interest as distinguished from the capitalist or employing interest.

The other of said commissioners shall have been for not less than six years an employer of labor, for wages, in some department of industry in which it is usual to employ a number of persons under single direction and control and shall be at the time of his appointment affiliated with the employing interest, as distinguished from the labor interest. Neither of said commissioners shall be less than 25 years of age, and they shall not be members of the same political party. A political party, within the meaning of this section, shall be held to mean one or more parties supporting one ticket or member of a fusion. Neither of the commissioners shall hold any other State, county, or city office in Idaho during the term of office for which he shall be appointed.

Each of said commissioners shall take and subscribe an oath, to be endorsed upon his commission, to the effect that he will punctually, honestly, and faithfully discharge his duties as such commissioner.

SEC. 2282. *Seal.*—Such commission shall have a seal and shall not be required to leave their personal labor or business, except to perform the duties devolving upon them as members of the labor commission.

When necessary they may appoint a secretary, who shall be a skillful stenographer and typewriter, and who shall receive a salary of four dollars per day and traveling expenses for every day spent in the discharge of duty under the direction of the commission.

SEC. 2283. *Mediation.*—It shall be the duty of said commissioners upon receiving authentic information in any manner of the existence of any strike, lockout, or other labor complication in this State affecting the labor or employment of 50 persons or more to go to the place where such complication exists, put themselves into communication with the parties to the controversy, and offer their services as mediators between them: *Provided*, That in all cases where less than 50 persons are on strike or lockout the commission may, in their discretion, act as though such number of strikers consisted of 50 or more persons. If they shall not succeed in effecting an amicable adjustment of the controversy in that way, they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this chapter or otherwise as they may elect.

SEC. 2284. *Arbitration.*—For the purpose of arbitration, under this chapter, the labor commissioners and the judge of the district court of the district in which the business in relation to which the controversy shall arise shall have been carried on shall constitute a board of arbitrators, to which shall be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and the employees of the company engaged in the running of trains, any terminal within this State of the road, or any division thereof, may be taken and treated as the location of the business within the terms of this section, for the purpose of giving jurisdiction to the judge of the district court to act as a member of the board of arbitration.

SEC. 2285. *Agreement to arbitrate.*—An agreement to enter into arbitration under this chapter shall be in writing and shall state the issue to be submitted and decided and shall have the effect of an agreement by the parties to abide by and perform the award.

Such an agreement may be signed by the employer, as an individual, firm, or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer, then and there in control or management of the business or department of business, in relation to which the controversy shall have arisen, shall bind the employer. On the part of the employees the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy, at which not less than two-thirds of such employees shall be present, which election, and the fact of the presence of the required number of employees at the meeting, shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

SEC. 2286. *Commissioners pro tem.*—If upon any occasion calling for the presence and intervention of the labor commissioners under this chapter one of said commissioners shall be present and the other absent, the judge of the district court of the district in which the dispute shall have arisen, as defined in section 2284, shall, upon the application of the commissioner present, appoint a commissioner pro tem, in the place of the absent commissioner, and such commissioner pro tem. shall exercise all the powers of a commissioner under this chapter, until the termination of the duties of the commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this chapter for the other commissioners. Such commissioner pro tem. shall represent and be affiliated with the same interests as the absent commissioner.

SEC. 2287. *Oath; proceedings.*—Before entering upon their duties, the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators, and a just and fair award render, to the best of their ability. The sitting of the arbitrators shall be in the court room of the district court or such other place as shall be provided by the county commissioners of the county in which the hearing is had. The district judge shall be the presiding member of the board. He shall have power to issue subpœnas for witnesses who do not appear voluntarily, directed to the sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations.

The proceedings shall be informal in character, but in general accordance with the practice governing the district courts in the trial of civil cases. All questions of practice, or questions relating to the admission of evidence, shall be decided by the presiding member of the board summarily and without extended argument. The sittings shall be open and public. If five members are sitting as such board, three members of the board agreeing shall have power to make an award, otherwise two. The secretary of the commission shall attend the sitting and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the commission shall direct.

SEC. 2288. *Award.*—The arbitrators shall make their award in writing and deliver the same, with the arbitration agreement and their oath as arbitrators, to the clerk of the district court of the judicial district in which the hearing was had, and deliver a copy of the award to the employer and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall be preserved by the commission.

SEC. 2289. *Records; enforcement of award.*—The clerk of the district court shall record the papers delivered to him, as directed in the last preceding section, in the order book of the district court. Any person, who was a party to the arbitration proceedings, may present to the district court of the county in which the hearing was had, or to the judge thereof, in vacation, a verified petition referring to the proceedings and the record of them, in the order book, and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed.

Thereupon the court or judge thereof, in vacation, shall grant a rule against the party or parties so charged to show cause within five days why said award has not been obeyed, which shall be served by the sheriff as other process. Upon return made to the rule, the judge, or court if in session, shall hear and determine the questions presented and make such order or orders, directed to the parties before him in personam as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court, and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of willful disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing, before the commencement of the hearing.

SEC. 2290. *Rules.*—The labor commission, with the advice and assistance of the attorney general of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitration under this chapter, not inconsistent with this chapter, or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor,

and all arbitration proceedings under this chapter shall thereafter conform to such rules and regulations.

SEC. 2291. *Application for arbitration.*—Any employer and his employees, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may, of their own motion, apply to the labor commission for arbitration of their differences, and upon the execution of an arbitration agreement, as hereinbefore provided, a board of arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded, and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this chapter.

SEC. 2292. *Precedence of proceedings.*—In all cases arising under this chapter requiring the attendance of a judge of the district court as a member of the arbitration board, such duty shall have precedence over any other business pending in his court, and if necessary for prompt transaction of such other business, it shall be his duty to appoint the district judge of an adjoining district to sit in the district court in his place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to judges appointed to sit in case of change of judge in civil actions. In case the judge of the district court whose duty it shall become under this chapter to sit upon any board of arbitrators shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties and which will, in his opinion, continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such judge to call in and appoint the district judge of an adjoining district to sit upon such board of arbitrators, and such appointed judge shall have the same power and perform the same duties as member of the board of arbitration as are by this chapter vested in and charged upon the district judge regularly sitting, and he shall receive the same compensation now provided by law to a judge sitting by appointment upon a change of judge in civil cases, to be paid in the same way.

SEC. 2293. *Investigations.*—If the parties to any such labor controversy as is defined in section 2283 shall have failed at the end of five days after the first communication of said labor commission to them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the labor commission to proceed at once to investigate the facts attending the disagreement.

In this investigation the commission shall be entitled, upon request, to the presence and assistance of the attorney general of the State, in person or by deputy, whose duty it is hereby made to attend, without delay, upon request by letter or telegram from the commission. For the purpose of such investigation the commissioners shall have power to issue subpœnas, and each of the commissioners shall have power to administer oaths and affirmations. Such subpœna shall be under seal of the commission and signed by the secretary of the commission or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpœna may be served and returned as other process by any sheriff or constable in the State.

In case of disobedience of any such subpœna or the refusal of any witness to testify, the district court having jurisdiction, or the judge thereof during vacation, shall, upon the application of the labor commission, grant a rule against the disobeying person or persons or the person refusing to testify to show cause forthwith why he or they should not obey such subpœna or testify as required by the commission, or be adjudged guilty of contempt, and in such proceedings such court, or the judge thereof in vacation, shall be empowered to compel obedience to such subpœna as in the case of a subpœna issued under the order of and by the authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no pereson shall be required to attend as a witness at any place outside of the county of his residence. Witnesses called by the labor commission under this section shall be paid $2 per diem fees out of the expense fund provided by this chapter, if such payment is claimed at the time of their examination.

SEC. 2294. *Report.*—Upon the completion of the investigation authorized by the last preceding section, the labor commission shall forthwith report the facts thereby disclosed, affecting the merits of the controversy, in a brief and condensed form, to the governor.

SEC. 2295. *Communications confidential.*—An employer shall be entitled, in his response to the inquiries made of him by the commission in the investigation provided for in the last two preceding sections, to submit in writing to the commission a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 2296. *Compensation.*—Said commissioners shall receive a compensation of $6 each per diem, for the time actually expended, and actual and necessary traveling and hotel expenses, while absent from home in performance of duty, and each of the two members of the board of arbitration, chosen by the parties under the provisions of this chapter, shall receive the same compensation for the days occupied in service upon the board. The attorney general, or his deputy shall receive his necessary and actual traveling expenses while absent from home in the service of the commission. Such compensation and expenses shall be paid by the State treasurer upon warrants drawn by the auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts except those of the commissioners, shall be certified as correct by the commissioners, or one of them, and the accounts of the commissioners shall be certified by the secretary of the commission.

It is hereby declared to be the policy of this chapter, that the arbitrations and investigations provided for in it, shall be conducted with all reasonable promptness and dispatch, and no member of any board of arbitration shall be allowed payment for more than 15 days' service, in any one arbitration, and no commissioner shall be allowed payment for more than 10 days' service in the making of the investigation provided for in section 2293 and sections following.

Public employment offices

SECTION 2297. *Private agencies for profit abolished; exception.*—The further maintenance of private employment offices within the State of Idaho is hereby forbidden: *Provided*, That nothing in this chapter shall operate to prevent the maintenance of employment offices by religious, benevolent, or charitable societies whenever the same are not conducted for profit: *Provided, further*, That nothing in this chapter shall prevent the operation of agencies for school teachers or other professional employment, or the maintenance of private employment agencies where no compensation for procuring the employment is exacted from the person for whom the employment is procured.

SEC. 2298. *Duty of municipalities.*—The duty of maintaining suitable employment offices in the various municipalities of this State is hereby declared to be a function of government, and such offices shall be established and conducted under the municipalities of this State as in this chapter provided.

SEC. 2299. *What cities, etc., to have offices.*—In all cities and villages of this State having a population of 5,000 or more there shall be established by the authorities thereof a suitable employment agency whereat all persons desiring employment may register their names, the kind of employment desired, and the wages demanded, and at which any person desiring to employ labor of any class may register his name, the kind of labor desired, and the wages which he is willing to pay therefore: *Provided*, That membership in or affiliation with any religious, political, benevolent, charitable, labor, or any other organization shall never be allowed to influence or control the securing of employment or services at any municipal employment agency, and no employment clerk or other person connected with a municipal employment agency shall ever ask any applicant for employment or services any questions relating to his membership in or affiliations with any religious, political, benevolent, charitable, labor, or other organization, or to his political views on any matters whatever. In such cities the employment office shall be located, where practicable, in the city hall, and where such municipality is a county seat such employment office shall be located, when considered favorable by the municipal authorities, in the county courthouse or in the building used as such.

SEC. 2300. *Smaller cities, etc.*—In cities and villages having a population smaller than 5,000 it shall be the duty of the municipal authorities to establish a separate employment office when conditions in any such municipality seem to warrant the same, but if no such separate employment office is established it shall be the duty of the municipal authorities to provide for the establishment of such an office in the office of the police judge, or if there be no such official then in the office of a justice of the peace.

SEC. 2301. *Equipment.*—It shall be the duty of any city or village in which a municipal employment agency is established, as provided in this chapter, to suitably equip such office with the necessary furniture, books, blanks, and stationery for the proper conduct of the business pertaining to such office.

SEC. 2302. *Fees.*—A fee of $1 shall be charged by any municipal employment office for each position secured for any applicant without the limits of the municipality in which such employment office is situated, and a fee of 50 cents shall be charged for each position secured for any applicant within the limits of the municipality in which such agency is situated.

SEC. 2303. *Clerks, etc.*—It shall be the duty of the governing authorities of any city or village to determine the number of clerks which it is necessary to employ for the proper conduct of the business of its municipal employment office, but the number of said clerks shall never be greater than is necessary for the proper discharge of the duties of such office. Where separate employment offices are maintained, as in this chapter provided, the compensation of chief clerk of any such office shall not exceed the sum of $125 per month, nor shall the salary of any assistant clerk exceed the sum of $100 per month. When the employment office in any municipality is established in the office of a police judge or justice of the peace such police judge or justice of the peace shall be entitled to half of the amount of all fees collected by him in each and every month: *Provided*, That the compensation of a police judge or a justice of the peace in charge of a municipal employment office shall never exceed the sum of $125 per month. All fees collected by any clerk other than a police judge or justice of the peace and one-half of all fees collected by any police judge or justice of the peace in charge of a municipal employment office shall be deposited with the city or village treasurer to the credit of the general funds of such city or village on the last day of each and every month.

SEC. 2304. *Appointment.*—All clerks in any municipal employment office shall be appointed by the mayor or acting mayor of such city or village, and such clerks shall hold office during their good behavior. They may be removed by the mayor for incompetency or neglect, but shall never be removed for political or personal reasons.

SEC. 2305. *Records.*—It shall be the duty of the chief clerk of each municipal employment office established under this chapter to keep a true, accurate, and complete record of all moneys received or expended in such office, and all positions secured for applicants at such office, and it shall be the duty of said clerk to file with the county auditor of the county in which his office is located, on the first Monday in December of each year a complete record of the business transacted in his office during the preceding year, and all moneys received and disbursed.

SEC. 2306. *Bonds.*—Any municipal employment clerk, other than a police judge or justice of the peace must give bond in a sum equal to twice the amount of his annual salary, and any police judge or justice of the peace in charge of a municipal employment office must give bond in the sum of $1,000 in addition to any bond which he may be, by law, required to give as such police judge or justice of the peace.

SEC. 2307. *Violations.*—Any violation of the provisions of this chapter, or the making of any false statement or statements in any report, or the charging of illegal fees, or the acceptance of any private consideration for securing employment, shall constitute a misdemeanor which, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than $50 nor more than $300, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

Private employment offices

SECTIONS 2308–2310. *Permits; bonds.*—[Permits must be obtained from the county commissioners of the county in which any bureau is to be located, and bond given in the sum of $5,000 conditioned on the proper conduct of the office and for the payment of damages to anyone injured by fraud, etc. Violations are punishable by a fine of not less than $100 nor more than $300, and imprisonment for not less than 30 nor more than 90 days.]

Contracts of employment—Filing, publication, etc.

SECTION 2311. *Certain persons to publish notices.*—It shall be the duty of any person, persons, company or corporation engaged in working any mine, mines,

mining premises or in developing any mining claim or claims, whether quartz or placer, or in the running of any tunnel, or in the erection or repair of any building or other structure, or in the construction of any canal, ditch, railroad, wagon road or aqueduct, in every case where mechanics or laborers are employed in or about the properties above mentioned to make, record, and publish a statement under oath, setting forth the following data:

1. The name or names of the owner or owners of the mine, mines, mining claim or premises, tunnel, building, canal, ditch, railroad, wagon road, aqueduct, or other structure upon which work is being done or upon which it is intended to begin work.

2. The name or names of the person, persons, company or corporation engaged in, or who contemplates engaging in, work upon any of the properties or structures mentioned herein.

3. The conditions under which said person, persons, company or corporation is prosecuting said work, whether as owner, agent, lessee, contractor, subcontractor, contemplative purchaser or lien holder..

4. The principal office of said person, persons, company or corporation, and, if a corporation, the State or county where incorporated and the agent in this State on whom service may be had.

5. The day of the week or month when payment of the laborers, mechanics, and material men will be made, and the place where said payments will be made.

6. A statement of all mortgages and liens against the property on which work is being done, with the amount of each of said incumbrances and whether or not the same is due.

SEC. 2312. *Filing notices.*—Any person, persons, company, or corporation who shall engage in working, developing, or prospecting any mine, mines, mining claim, or premises, or in running any tunnel, or in repairing or erecting any building, or in constructing any canal, ditch, railroad, wagon road, aqueduct, or other structure, and shall employ any mechanics or laborers in prosecuting said work, shall, before employing said mechanics or laborers or any of them, make a statement under oath containing the data provided for in the preceding section and file the same for record in the office of the recorder of the county in which said labor is being done, and if there be a district recorder, then, also in the office of said district recorder of the district where said mechanics or laborers are employed, and also to post similar statements in his or its office, at the place where the payment of wages is to be made, and in a public and conspicuous place where it can be easily seen at or near the place where said mechanics or laborers are employed.

SEC. 2313. *Violations.*—[Penalty for violation is a fine of not less than $100 or imprisonment not exceeding 3 months.]

Protection of employees in choice of boarding houses, etc.

SECTION 2322. *Restrictions forbidden.*—It shall be unlawful for any employer, by himself or by his agent, or for any agent of any employer, or for any other person, directly or indirectly, to impose as a condition, express or implied, in or for the employment of any workman or employee, any terms as to the place at which, or the person with whom any workman or employee is to board, lodge, subsist, or reside; or as to the place or store at which he shall purchase his goods, wares, or merchandise; or as to the place at which, or the manner in which, or the person with whom any wages or portion of wages paid to the workman or employee are or is to be expended; and no employer shall, by himself or his agent, nor shall any agent of any employer dismiss any workman or employee from his employment for or on account of the place at which, or the person with whom such workman or employee may board, lodge, subsist or reside, or as to the place or store at which he shall purchase his goods, wares, and merchandise; or for or on account of the place at which, or the person with whom, any wages or portion of wages paid by the employer to such workman or employee are or is expended, or fail to be expended: *Provided*, That it shall not apply to the collection of hospital fees or dues.

Any employer, who by himself or his agent, or any agent of any employer, or any other person, who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall he fined not less than $100 nor to exceed $300, or be imprisoned in the county jail for not less than 30 days nor to exceed 90 days, or shall suffer both such fine and imprisonment.

Employment of aliens on public works

SECTION 2323. *Employment forbidden.*—[Persons not citizens or declarants and persons not eligible for citizenship may not be employed on the public works of the State or any municipality; penalty, $10 to $100 fine for each person employed, and imprisonment until the fine is paid.]

Hours of labor

SECTION 2324 (as amended 1923, ch. 93). *Eight hours a day's work.*—Eight hours shall constitute a day's work for all laborers, workmen, mechanics, or other persons now employed, or who may hereafter be employed, in manual labor by or on behalf of the State of Idaho, or by or on behalf of any county, city, township, or other municipality of said State, except in cases of extraordinary emergency which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life, except agricultural and domestic laborers employed by State institutions, and no time consumed in going to and returning from work shall be a part of said eight hours, and no laborer, workman, mechanic, or other person working less than eight hours per day [shall] be paid more than the proportionate rate per hour for the actual working time put in; *Provided*, That in all such cases the laborers, workmen, mechanics, or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to the laborers, workmen, mechanics, and other persons so employed by or on behalf of the State of Idaho, or any county, city, township, or other municipality of said State; and laborers, workmen, mechanics, and other persons employed by contractors or subcontractors in the execution of any such contract or contracts with the State of Idaho, or with any county, city, township, or other municipality thereof, shall be deemed to be employed by or on behalf of the State of Idaho, or of such county, city, township, or other municipality thereof, and any person who certifies up for payment the salary or wages of any laborer, workman, mechanic, or other persons working for the State of Idaho, or for any county, city, township, or other municipality therein, at a greater number of hours per day than the number put in at actual labor by such person, shall be guilty of a misdemeanor.

SEC. 2325. *Contracts.*—All contracts hereafter made by or on behalf of the State of Idaho, or by or on behalf of any county, city, township, or other municipality of said State, with any corporation, person, or persons, for the performance of any labor within the State of Idaho, except agricultural and domestic laborers employed by State institutions, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person, or persons to require or permit any laborer, workman, mechanic, or other person to work more than eight hours per calendar day in doing such work, except in the cases and upon the conditions provided in section 2324.

SEC. 2326. *Violations.*—[Penalties are fines, not less than $50 nor more than $1,000, or imprisonment for not more than six months, or both.]

SEC. 2327. *Limit in mines.*—The period of employment of workingmen in all underground mines or workings shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 2328. *Eight hours a day's work.*—The period of employment of workingmen in smelters, ore-reduction works, stamp mills, concentrators, and other places where metalliferous ores are being treated, refined, and reduced for the purpose of obtaining the metals thereof shall be eight hours per day, except in cases of emergency where life and property are in imminent danger.

SEC. 2329. *Violations.*—[Violations of the two preceding sections are punishable by fine, $50 to $300, or imprisonment for not more than six months, or both.]

Employment of women—Hours of labor

SECTION 2330. *Nine-hour day.*—No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment, or office, or by any express or transportation company, in this State more than nine hours during any day. The hours of work may be

so arranged as to permit the employment of females at any time so that they shall not work more than 9 hours during the 24: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to nor affect females employed in harvesting, packing, curing, canning, or drying any variety of perishable fruit or vegetable. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this article shall not affect the validity of the article as a whole or any part thereof.

SEC. 2331. *Seats.*—Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this article printed in such form and style as may be easily read.

SEC. 2332. *Violations.*—Any employer, overseer, superintendent, or other agent of any such employer who shall violate any of the provisions of this article shall, upon conviction thereof, be fined for each offense in a sum not less than $10 nor more than $100.

Barber shops

SECTION 2333. *Closing time.*—It shall be unlawful for any person or persons in the State to keep open for business or to work at the barber's trade in any city of the first or second class after the hour of seven o'clock p. m. on any working day: *Provided, however*, That on Saturday and the day preceding each legal holiday said barber shops may be kept open for business until ten o'clock p. m.

SEC. 2334. *Violations.*—Any person violating any of the provisions of this article shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than $25 nor more than $100.

Railroads, etc.—Safety provisions—Accidents

SECTION 2412. *Service to be adequate.*—Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public and as shall be in all respects adequate, efficient, just, and reasonable.

SEC. 2463. *Safety regulations.*—The commission shall have the power, after a hearing had upon its own motion or upon complaint, by general or special orders, or regulations, or otherwise, to require every public utility to maintain and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the installation, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings or junction and block or other systems of signaling, to establish uniform or other standards of equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.

SEC. 2465. *Accidents.*—The commission shall investigate the cause of all accidents occurring within this State upon the property of any public utility or directly or indirectly arising from or connected with its maintenance or operation, resulting in loss of life or injury to person or property, and requiring, in the judgment of the commission, investigation by it, and shall have the power to make such order or recommendation with respect thereto as in its judgment may seem just and reasonable: *Provided*, That neither the order or recommendation of the commission, nor any accident report filed with the commission, shall be admitted as evidence in any action for damages based on or arising out of the loss of life or injury to person or property in this section referred to. Every public utility is hereby required to file with the commission, under such rules and regulations as the commission may prescribe, a report of each accident so occurring of such kinds or classes as the commission may from time to time designate.

Fire escapes on factories, etc.

SECTIONS 2586, 2587, 2589. *What buildings to have; type.*—[Factory buildings more than two stories in height must be equipped with safe and suitable iron or fireproof ladders attached to the outside of the building, of easy access to the occupants. Failure to provide such ladders subjects to imprisonment for not less than three nor more than six months or a fine of not less than $200 nor more than $300, or both.]

Railroads—Height of wires crossing tracks

SECTION 3459. *Approval.*—[Stringing of wires must be approved and authorized by the county commissioners.]

SEC. 3460. *Height.*—[Commissioners may order changes if in their judgment they should be made to guard against accidents, costs to be apportioned. No wires may be less than 25 feet above tracks, except trolley wires, which may be not less than 20 feet.]

SECS. 3461, 3462. *Violations.*—[Disobedience of orders or neglect of duty by commissioners are misdemeanors.]

Railroads, etc.—Employees' bonds

SECTION 5118. *Payment of bonds furnished corporations.*—It shall be unlawful for any firm or individual railroad or other corporation doing business within this State to collect or retain from the wages of the persons in their employ the cost of any guaranty or security furnished the said firm, individual, or railroad or other corporation covering the said employees, unless such employees shall have agreed to pay the premium on such guaranty or security.

Wages—Suits—Exemptions

SECTION 5441 (as amended 1923, ch. 20). *Exception.*—[Homesteads shall not be exempt where judgment is on a debt secured by mechanics', etc., liens.]

Mines—Inspector—Regulations

SECTION 5470 (as amended 1921, ch. 24). *Inspector.*—[Office of inspector of mines is created to be filled by biennial elections. Bond of $5,000 required. Salary is $2,400.]

SEC. 5471. *Not to be interested.*—[Inspector must not be interested in mining, milling, or reduction corporations in the State.]

SECS. 5472, 5473. *Duties.*—[Duties include inspection and the collection of information and statistics. Owners failing to make changes directed to correct unsafe conditions are guilty of a misdemeanor. Each day's continuance is a separate offense.]

SEC. 5474. *Records; reports.*—[Records of inspections are to be kept in an office in the State capitol. Owners are to report annually as to nature of mine, number of employees, method of working, and other information as the inspector may require.]

SEC. 5475. *Complaints.*—[On formal complaint in writing, signed by three persons, setting forth prescribed facts, the inspector must in person examine and visit any mine complained of. Names of complainants are not to be divulged unless necessary in court proceedings.]

SEC. 5476. *Enforcement.*—[If the mine owner neglects or refuses to comply with orders to remedy unsafe conditions, the inspector informs the attorney general, who must bring action to recover penalties.]

SECS. 5477, 5479. *Deputies.*—[With the consent of the governor, the inspector may appoint deputies at $5 per diem and expenses, to act with or in the place of the inspector in investigating accidents and at coroners' inquests.]

SEC. 5478. *Accidents.*—[Owner is to notify the inspector of serious or fatal accidents, which he must investigate, and attend inquest if one is held; he may summon and examine and cross-examine witnesses. If the inspector or a deputy can not attend, the owner, etc., must furnish a verified statement of the facts.]

SEC. 5480. *Report.*—[An annual report must be made to the governor, giving statistics of accidents, of mine operations, inspections and activities generally.]

SECS. 5485–5519 (sec. 5508 amended 1923, ch. 131). *Safety provisions.*—[Regulations are made for the operation and equipment of mines, including fire

protection and exits (more than one if more than 15 men are employed underground); the construction of shafts and hoists; signal codes, the storage and use of explosives and oils; dust prevention; and provisions for enforcement.]

Industrial accident board—Safety regulations

SECTION 6337. *Power of board.*—The board shall have the power, in addition to other powers herein granted by general rules or regulations:

1. To declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render employees and places of employment safe.

2. To fix and order such reasonable standards for the construction, maintenance, and repair of places of employment as shall render them safe.

3. To require the performance of any act necessary for the protection of the life, health, and safety of employees.

SEC. 6338. *Compliance.*—Every employer, employee, and other person shall obey and comply with each and every requirement of every order, direction or regulation made or prescribed by the board, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, direction, or regulation.

SEC. 6339. *Violations.*—[Violations and failure to comply with safety provisions are misdemeanors.]

Exemption of wages from execution

SECTION 6920. *Amount.*—[Exempts 75 per cent of the wages earned by a judgment debtor within 30 days next preceding the levy of execution on affidavit that such earnings are necessary for the support of a dependent family resident within the State; or 50 per cent if the indebtedness is for actual necessaries. The exemption may not exceed $100 at any one time.]

Wages—Preference—Attorneys' fees—Payment on discharge

SECTION 7376. *Assignments.*—[Wages of miners, mechanics, salesmen, servants, clerks, or laborers for services rendered within 60 days preceding an assignment are preferred in an amount not exceeding $150.]

SEC. 7377. *Administration.*—[Same in case of death, except that expenses of funeral, of last sickness, charges of administration, and allowances to widow and infant children take precedence.]

SEC. 7378. *Executions, etc.*—[In cases of executions, attachments, etc., claims for wages may be submitted, under oath, and if not disputed, are to be paid first out of the proceeds of the sale of the property worked upon for 60 days preceding the levy of the writ. Contests must be prosecuted within 10 days or be forever barred, and sufficient funds must be withheld to meet such claims.]

SEC. 7379. *Attorneys' fees.*—[Attorneys' fees are allowed in successful wage suits if demand in writing for an amount not exceeding the amount found due was made at least 5 days before suit was brought.]

Payment of wages due discharged employees

SECTION 7381. *Wages to be paid on discharge.*—Whenever any employer of labor shall hereafter discharge or lay off his or its employees without first paying them the amount of any wages or salary then due them, in cash, lawful money of the United States, or its equivalent, or shall fail or refuse on demand to pay them in like money, or its equivalent, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week, or month, each of his or its employees may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default until he is paid in full, without rendering any service therefor: *Provided, however,* He shall cease to draw such wages or salary 30 days after such default.

SEC. 7382. *Claim a lien.*—Every employee shall have such lien and all other rights and remedies for the protection and enforcement of such salary or wages as he would have been entitled to had he rendered services therefor in manner as last employed.

Protection of employees as voters

SECTION 8113. *Threats.*—[Threats of discharge from employment in attempt to influence votes are forbidden.]

Railroad employees—Illiteracy

SECTION 8352. *Employment of illiterate trainmen.*—It shall be unlawful for any person, firm, or corporation operating a railroad within the State of Idaho, whereon steam or electricity is used as motive power, to employ any conductor, engineer, fireman, brakeman, switchman, or any other employee whose duty may require him to act as flagman who can not read, write, and speak the English language. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor.

ACTS OF 1921

CHAPTER 215.—*Employment of children—School attendance*

SECTION 75½. *Requirement.*—[Any child under 18 years of age is required to attend school unless it is 15 and has completed eighth grade or "its help is necessary for its own use or its parents' support," or other good cause.]

ILLINOIS

CONSTITUTION

ARTICLE 4.—*Mine regulations*

SECTION 29. *Laws to be passed.*—It shall be the duty of the general assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper.

Coal mining is not a public employment within the doctrine of the cases subjecting public employments to regulation for the public good. This provision relates only to the enactment of police regulations to promote the safety of miners. 117 Ill. 294.

REVISED STATUTES—1917

CHAPTER 3.—*Wages as preferred claims—In administration*

SECTION 70 (as amended 1921, p. 1). *Rank.*—[Wages of common laborers and household servants rank with expenses of last illness (including doctor's bill) next after funeral expenses and cost of administration and widow's or children's award.]

CHAPTER 10.—*Arbitration of labor disputes—State board*

SECTION 19. *Appointment of board.*—The governor, by and with the advice and consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a "State Board of Arbitration," to serve as a State board of arbitration and conciliation; one and only one of whom shall be an employer of labor, and only one of whom shall be an employee, and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the senate. On the first day of March, 1897, the governor, with the advice and consent of the senate, shall appoint three persons as members of said board in the same manner above provided, one to serve for one year, one for two years, and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter the governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occure [occurs] at any time, the governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall before entering upon the duties of his office be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall as soon as possible after such organization establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and whose salary shall be $2,500 per annum, payable out of the State treasury, upon the warrant of the auditor of public accounts, from any money not otherwise appropriated, said secretary to receive also his necessary traveling and other expenses, to be paid from the State treasury on bills of particulars to be approved by the chairman of the board and the governor.

SEC. 20. *Duties.*—When any controversy or difference not involving questions which may be the subject of an action at law or bill in equity, exists between an employer, whether an individual, copartnership, or corporation, employing not less than twenty-five persons, and his employees in this State, the board shall upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision

shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town, or village where said business is carried on.

SEC. 21. *Application.*—Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place of the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witnesses any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the records of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpœnas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpœna or other process issued by such board, shall willfully fail or refuse to obey the same, or to answer such questions as may be propounded touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge thereof, if in vacation, upon application by such board, duly attested by the chairman and secretary thereof, to issue an attachment for such witness and compel him to appear before such board and give his testimony, or to produce such books and papers as may be lawfully required by said board; and the said court or the judge thereof shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

SEC. 22. *Decisions to be in writing.*—Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the governor before the first day of March of each year.

SEC. 23. *Force of decision.*—Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting in three conspicuous places in the shop or factory where they work.

SEC. 23a. *Enforcement of award.*—In the event of a failure to abide by the decisions of said board in any case in which both employer and employees shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court or the county court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located a duly authenticated copy of such decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court or the county court (as the case may be) or the judge thereof, if in vacation, shall grant a rule against the party or parties so charged to show cause within ten days why such decision has not been complied with, which shall be served by the sheriff as other process. Upon return made to the rule, the court, or the judge thereof, if in vacation, shall hear and determine the questions presented, and to secure a compliance with such decision, may punish the offending party or parties for contempt, but such punishment shall in no case extend to imprisonment.

SEC. 23b. *Joint application.*—Whenever two or more employers engaged in the same general line of business, employing in the aggregate not less than twenty-five persons, and having a common difference with their employees, shall, cooperating together, make application for arbitration, or whenever such application shall be made by the employees of two or more employers engaged in the same general line of business, such employees being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employees in such a case, the board shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employees of one employer, or by both.

SEC. 24. *Strike, etc., threatened.*—Whenever it shall come to the knowledge of the State board that a strike or a lockout is seriously threatened in the State involving an employer and his employees, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be with such employer or employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 24a. *Duty of mayors, etc.*—It shall be the duty of the mayor of every city, and the president of every incorporated town or village, whenever a strike or lockout, involving more than twenty-five employees, shall be threatened or has actually occurred within or near such city, incorporated town, or village to immediately communicate the fact to the State board of arbitration, stating the name or names of the employer or employers and of one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved, and such other information as may be required by said board. It shall be the duty of the president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members of the organization of which he is an officer to immediately communicate the fact of such strike or lockout to the said board, with such information as he may possess, touching the differences or controversy, and the number of employees involved.

SEC. 24b. *Investigation without application.*—Whenever there shall exist a strike or a lockout, wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel, or light, or the means of communication or transportation, or in any other respect, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the State board of arbitration, in conformity with this act, then the said board, after first having made due effort to effect a settlement thereof by conciliatory means, and such effort having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as in its judgment will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpœnas and compel the attendance and testimony of witnesses as in other cases.

SEC. 25. *Compensation.*—The members of the said board shall each receive a salary of $1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State upon bills of particulars approved by the governor.

SEC. 26. *Service of process.*—Any notice or process issued by the State board of arbitration shall be served by any sheriff, coroner, or constable to whom the same may be directed or in whose hands the same may be placed for service.

CHAPTER 10b.—*Wages as preferred claims—In assignments*

SECTION 6. *Amount.*—[Wages earned within 3 months prior to any assignment are to be paid after the costs, commissions, and expenses of assignment.]

CHAPTER 13.—*Suits for wages—Attorneys' fees*

SECTION 13. *Fee allowed, when.*—Whenever a mechanic, artisan, miner, laborer, or servant, or employee, shall have cause to bring suit for his or her wages earned and due, and owing according to the terms of the employment, and he or she shall establish by the decision of the court or jury that the amount for which he or she has brought suit is justly due and owing, and that

a demand has been made in writing at least three days before suit is brought, for a sum not exceeding the amount so found due and owing, then it shall be the duty of the court before which the case shall be tried to allow to the plantiff, when the foregoing facts appear, a reasonable attorney fee, in addition to the amount found due and owing for wages, and in justice court such attorney's fee shall not be less than $5, and in the county or circuit court, not less than $10, to be taxed as costs of suit.

This act is constitutional. 42 N. E. 386.
Attorneys' fees can not be collected if the amount recovered is less than the amount named in the demand. 49 Ill. App. 36.
This statute does not apply to an action brought by an employee for damages for being discharged, but only when the amount sued for is found to be wages due. 57 Ill. App. 606.
The earnings of a miner working at a given rate per ton are wages within the meaning of this statute. 140 Ill. App. 282.

CHAPTER 24½.—*Department of labor, etc.*

SECTION 3. *Departments.*—Departments of the State government are created as follows: * * * The department of labor; the department of mines and minerals; * * * the department of registration and education.

SEC. 4. *Heads.*—Each department shall have an officer at its head who shall be known as a director, and who shall, subject to the provisions of this act, execute the powers and discharge the duties vested by law in his respective department.

The following offices are hereby created: * * *

Director of labor, for the department of labor; director of mines and minerals, for the department of mines and minerals; * * * director of registration and education, for the department of registration and education.

SEC. 5 (as amended 1921, p. 335). *Other officers.*—In addition to the directors of departments, the following executive and administrative officers, boards, and commissions, which said officers, boards, and commissions in the respective departments, shall hold offices hereby created and designated as follows:

* * * * * * *

In the department of labor: Assistant director of labor; chief factory inspector; superintendent of free employment offices; chief inspector of private employment agencies; the industrial commission, which shall consist of five officers designated industrial officers.

In the department of mines and minerals: Assistant director of mines and minerals; the mining board, which shall consist of four officers designated as mine officers and the director of the department of mines and minerals; the miners' examining board, which shall consist of four officers, designated miners' examining officers.

* * * * * * *

In the department of registration and education: Assistant director of registration and education; superintendent of registration. * * *

The above-named officers, and each of them, shall, except as otherwise provided in this act, be under the direction, supervision, and control of the director of their respective departments, and shall perform such duties as such director shall prescribe.

SEC. 6 (as amended 1921, p. 340). *Boards.*—Advisory and nonexecutive boards, in the respective departments, are created as follows:

* * * * * * *

In the department of labor: A board of Illinois free employment office advisers, composed of five persons; a board of local Illinois free employment office advisers, for each free employment office, composed of five persons on each local board.

* * * * * * *

In the department of registration and education.

* * * * * * *

The immigrants commission, composed of five members, one of whom shall be the director of the department of registration and education. The members of each of the above-named boards shall be officers.

SEC. 7 (as amended 1921, p. 341). *Qualifications of officers.*—Industrial officers: * * * Of the five industrial officers, two shall be representative citizens of the employing class operating under the workmen's compensation

act, two shall be representative citizens chosen from among the employees operating under such act, and the other shall be a representative citizen not identified with either the employing or employee classes.

Employment office advisers: Of the five Illinois free employment office advisers, two shall be representative employers, two representatives of organized labor, and one representative citizen who is neither an employer nor an employee.

The five local Illinois free employment office advisers shall have the same qualifications as the Illinois free employment office advisers.

Director of mines: The director of mines and minerals shall be a person thoroughly conversant with the theory and practice of coal mining, but who is not identified with either coal operators or coal miners. Of the four mine officers, two shall be coal operators and two shall be practical coal miners.

Miners' examiners: Each of the three miners' examining officers shall have at least five years' practical and continuous experience as a coal miner and have been actually engaged as a coal miner in this State continuousy for twelve months next preceding his appointment, and no one of whom shall hold any lucrative public office, Federal, State, or municipal.

* * * * * * *

Affiliations forbidden: Neither the director, assistant director, superintendent of registration, nor any other executive and administrative officer in the department of registration and education shall be affiliated with any college or school of medicine, pharmacy, dentistry, nursing, optometry, embalming, barbering, veterinary medicine and surgery, architecture, or structural engineering, either as teacher, officer, or stockholders, nor shall he hold a license or certificate to exercise or practice any of the professions, trades, or occupations regulated.

* * * * * * *

SEC. 8. *Powers and duties.*—Each advisory and nonexecutive board, except as otherwise expressly provided in this act, shall, with respect to its field of work, or that of the department with which it is associated, have the following powers and duties:

1. To consider and study the entire field; to advise the executive officers of the department upon their request; to recommend, on its own initiative, policies and practices, which recommendations the executive officers of the department shall duly consider; and to give advice or make recommendations to the governor and the general assembly when so requested, or on its own initiative.

2. To investigate the conduct of the work of the department with which it may be associated, and for this purpose to have access at any time to all books, papers, documents, and records pertaining or belonging thereto, and to require written or oral information from any officer or employee thereof.

3. To adopt rules, not inconsistent with law, for its internal control and management, a copy of which rules shall be filed with the director of the department with which such board is associated.

4. To hold meetings at such times and places as may be prescribed by the rules, not less frequently, however, than quarterly.

5. To act by a subcommittee, or by a majority of the board, if the rules so prescribe.

6. To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the director of the department.

7. To give notice to the governor and to the director of the department with which it is associated of the time and place of every meeting, regular or special, and to permit the governor and the director of the department to be present and to be heard upon any matter coming before such board.

SEC. 9 (as amended 1921, p. 338). *Salaries.*—The executive and administrative officers whose offices are created by this act shall receive annual salaries, payable in equal monthly installments, as follows:

* * * * * * *

In the department of labor: The director of labor shall receive $7,000; the assistant director of labor shall receive $4,000; the chief factory inspector shall receive $4,000; the superintendent of free employment offices shall receive $3,000; the chief inspector of private employment agencies shall receive $4,000; each industrial officer shall receive $5,000.

In the department of mines and minerals: The director of mines and minerals shall receive $7,000; the assistant director of mines and minerals shall receive $3,000; each mine officer shall receive $500; each miners' examining officer shall receive $1,800.

* * * * * * *

In the department of registration and education: The director of registration and education shall receive $7,000; the assistant director of registration and education shall receive $3,600; the superintendent of registration shall receive $4,200.

SEC. 10. *Free services.*—No member of an advisory and nonexecutive board shall receive any compensation.

SEC. 11. *Who to give entire time.*—Each executive and administrative officer, except the two food standard officers, the members of the mining board, and the members of the normal school board shall devote his entire time to the duties of his office and shall hold no other office or position of profit.

SEC. 12. *Appointment.*—Each officer whose office is created by this act shall be appointed by the governor, by and with the advice and consent of the senate. In any case of vacancy in such offices during the recess of the senate, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the senate is not in session at the time this act takes effect, the governor shall make a temporary appointment as in case of a vacancy.

SEC. 13. *Term.*—Each officer whose office is created by this act, except as otherwise specifically provided for in this act, shall hold office for a term of four years from the second Monday in January next after the election of a governor, and until his successor is appointed and qualified.

* * * * * * *

SEC. 15. *Bond.*—Each executive and administrative officer whose office is created by this act shall, before entering upon the discharge of the duties of his office, give bond, with security to be approved by the governor, in such penal sum as shall be fixed by the governor, not less in any case than $10,000. conditioned for the faithful performance of his duties, which bond shall be filed in the office of the secretary of state.

SEC. 17. *Offices.*—Each department shall maintain a central office in the capitol building at Springfield, in rooms provided by the secretary of state. The director of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 25. *Annual reports.*—Each director of a department shall annually on or before the first day of December, and at such other times as the governor may require, report in writing to the governor concerning the condition, management, and financial transactions of their respective departments. In addition to such reports, each director of a department shall make the semiannual and biennial reports provided by the constitution. The departments shall make annual and biennial reports at the time prescribed in this section, and at no other time.

SEC. 43. *Powers of department of labor.*—The department of labor shall have power:

1. To exercise the rights, powers, and duties vested by law in the commissioners of labor, the secretary, other officers and employees of said commissioners of labor;

2. To exercise the rights, powers, and duties vested by law in the superintendents and assistant superintendents of free employment offices, general advisory board of free employment offices, local advisory boards of free employment offices, and other officers and employees of free employment offices;

3. To exercise the rights, powers, and duties vested by law in the chief inspector of private employment agencies, inspectors of private employment agencies, their subordinate officers and employees;

4. To exercise the rights, powers, and duties vested by law in the chief factory inspector, assistant chief State factory inspector, deputy factory inspector, and all other officers and employees of the State factory inspection service;

5. To exercise the rights, powers, and duties vested by law in the State board of arbitration and conciliation, its officers and employees;

6. To exercise the rights, powers, and duties vested by law in the industrial board, its officers, and employees;

7. To foster, promote, and develop the welfare of wage earners;

8. To improve working conditions;

9. To advance opportunities for profitable employment;

10. To collect, collate, assort, systematize, and report statistical details relating to all departments of labor, especially in its relation to commercial, industrial, social, educational, and sanitary conditions and to the permanent prosperity of the maufacturing and productive industries;

11. To collect, collate, assort, systematize, and report statistical details of the manufacturing industries and commerce of the State;

12. To acquire and diffuse useful information on subjects connected with labor in the most general and comprehensive sense of that word;

13. To acquire and diffuse among the people useful information concerning the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women;

14. To acquire information and report upon the general condition, so far as production is concerned, of the leading industries of the State;

15. To acquire and diffuse information as to the conditions of employment, and such other facts as may be deemed of value to the industrial interests of the State;

16. To acquire and diffuse information in relation to the prevention of accidents, occupational diseases, and other related subjects.

SEC. 44. *Duties as to compensation law.*—The department of labor shall exercise and discharge the rights, powers, and duties vested by law in the industrial board under an act [the workmen's compensation law] * * * approved June 28, 1913, in force July 1, 1913, or any future amendments thereto or modifications thereof.

Said act and all amendments thereto and modifications thereof, if any, shall be administered by the industrial commission created by this act, and in its name, without any direction, supervision, or control by the director of labor.

The industrial commission shall also, in its name and without any direction, supervision, or control by the director, administer the arbitration and conciliation act.

SEC. 45. *Powers of department of mines and minerals.*—The department of mines and minerals shall have power:

1. To exercise the rights, powers, and duties vested by law in the State mining board, its officers, and employees;

2. To exercise the rights, powers, and duties vested by law in the State mine inspectors;

3. To exercise the rights, powers, and duties vested by law in the miners' examining commission, its officers, and employees;

4. To exercise the rights, powers, and duties vested by law in the mine fire-fighting and rescue station commission, superintendents and assistant superintendents, other officers, and employees of the several mine rescue stations;

5. To acquire and diffuse information concerning the nature, causes, and prevention of mine accidents;

6. To acquire and diffuse information concerning the improvement of methods, conditions, and equipment of mines, with special reference to health, safety, and conservation of mineral resources;

7. To make inquiries into the economic conditions affecting the mining, quarrying, metallurgical, clay, oil, and other mineral industries;

8. To promote the technical efficiency of all persons working in and about the mines of the State, and to assist them better to overcome the increasing difficulties of mining, and for that purpose to provide bulletins, traveling libraries, lectures, correspondence work, classes for systematic instruction, or meetings for the reading and discussion of papers, and to that end to cooperate with the University of Illinois.

SEC. 46. *Mining board.*—The mining board in the department of mines and minerals shall:

1. Hold such meetings from time to time as may be necessary for the proper discharge of its duties;

2. Conduct the examination and pass upon the practical and technological qualifications and personal fitness of all persons employed in the department of mines and minerals as inspectors of mines;

3. Conduct examinations and pass upon the practical and technological qualifications and personal fitness of persons seeking certificates of competency as mine managers, mine examiners, and hoisting engineers;

4. Conduct examinations at the capitol on the second Tuesday in September of each year, and at such other times as may be necessary, of candidates for employment as inspectors of mines;

5. Conduct examinations of persons seeking certificates of competency as mine managers, mine examiners, and hoisting engineers at such times and places within the State as shall in the judgment of the board afford the best facilities to the greatest number of candidates;

6. Give public notice, through the public press or otherwise, not less than ten days in advance, announcing the time and place at which any examination is to be held;

7. Prescribe uniform rules, conditions, and regulations for the examination of persons seeking employment as inspectors of mines and of those seeking certificates of competency as mine managers, mine examiners, and hoisting engineers;

8. Report in writing to the director of mines and minerals the names of persons qualified to be employed by the department of mines and minerals as inspectors of mines, and of those authorized to receive certificates of competency as mine managers, mine examiners, and hoisting engineers;

9. Supervise, control, and direct the State mine inspection service;

10. Have power to remove any inspector of mines or to cancel the certificate of any mine manager, mine examiner, or hoisting engineer, as provided in paragraphs (h) and (i) of section 3 of an act * * * approved June 6, 1911, in force July 1, 1911, and all amendments thereto, past or future, or modifications thereof;

11. Preserve and keep on file, for not less than one year, all written examination papers and all other papers of any applicant, and to permit the inspection thereof by any applicant interested, at all reasonable times, and to give to any applicant a certified copy of any or all of his papers.

SEC. 47. *Director.*—The director of mines and minerals shall be the executive officer of the mining board and shall execute the orders, rules, and regulations made and promulgated by the mining board, and shall issue in the name of the department of mines and minerals certificates of qualification and competency to persons certified to him by the mining board and to no other persons.

SEC. 48. *Examining board.*—The department of mines and minerals shall exercise and discharge the rights, powers, and duties vested by law in the miners' examining commissioners, constituting the miners' examining board for the State of Illinois, under an act * * * approved June 27, 1913, in force July 1, 1913, and all amendments thereto, past or future, or modifications thereof.

Said act and all amendments thereto and modifications thereof, if any, shall be administered by the miners' examining board created by this act, and in its name, without any direction, supervision, or control by the director of mines and minerals, or by the mining board.

SEC. 60 (as amended 1923, p. 621). *Department of registration, etc.*—The department of registration and education shall, wherever the several laws regulating professions, trades, and occupations which are devolved upon the department for administration so require, exercise, in its name, but subject to the provisions of this act, the following powers:

1. Conduct examinations to ascertain the qualifications and fitness of applicants to exercise the profession, trade, or occupation for which an examination is held; and pass upon the qualifications of applicants for reciprocal licenses, certificates, and authorities;

2. Prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to exercise the respective professions, trades, or occupations;

* * * * * * *

6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations, and to revoke or refuse to renew such licenses, certificates, or authorities;

7. Formulate rules and regulations when required in any act to be administered.

None of the above-enumerated functions and duties shall be exercised by the department of registration and education except upon the action and report in writing of persons designated from time to time by the director of registration and education to take such action and to make such report for the respective professions, trades, and occupations, as follows:

* * * * * *

SEC. 61. *Certificates, etc.*—All certificates, licenses, and authorities shall be issued by the department of registration and education in the name of such department, with the seal thereof attached.

SEC. 63 (as amended 1919, p. 8). *Immigrants' commission*—

* * * * * *

The immigrants' commission shall:

(1) Make a survey of the immigrant, alien-born, and foreign-speaking people of the State and of their distribution, conditions of employment, and standards of housing and living;

(2) Examine into their economic, financial and legal customs, their provisions for insurance and other prudential arrangements, their social organization, and their educational needs; keeping in friendly and sympathetic touch with alien groups, and cooperating with State and local officials and with immigrant or related authorities of other States and of the United States.

CHAPTER 38.—*Employment of children in certain occupations forbidden*

SECTIONS 42a, 42b. *Acrobatic, etc., occupations.*—[The employment of children under 14 years of age in acrobatic, mendicant, etc., occupations is forbidden. For text of similar law see section 2223, Delaware Code.]

CHAPTER 38.—*Boycotting and blacklisting*

SECTION 46 (as amended 1919, p. 425). *Conspiracy to establish boycott, etc.*—If any two or more persons conspire or agree together, or the officers or executive committee of any society or organization or corporation, shall issue or utter any circular or edict, as the action of or instruction to its members, or any other persons, societies, organizations, or corporations, for the purpose of establishing a so-called boycott or black list, or shall post or distribute any written or printed notice in any place, with the fraudulent or malicious intent wrongfully and wickedly to injure the person, character, business, or employment, or property of another, * * * or to do any illegal act injurious to the public trade, health, morals, police, or administration of public justice, or to prevent competition in the letting of any contract by the State, or the authorities of any counties, city, town or village, or to induce any person not to enter into such competition, * * * they shall be deemed guilty of a conspiracy; and every such offender, whether as individuals or as the officers of any society or organization, and every person convicted of conspiracy at common law, shall be imprisoned in the penitentiary not exceeding five years, or fined not exceeding $2,000, or both.

A circular by a business association directing members not to do business with A for an alleged default toward another member held not actionable. 54 Ill. App. 233.

To call out members of a trade-union in order to procure the discharge of nonunion employees is not in itself a wrongful and wicked act for which prosecution can be had under this statute. 30 C. L. N. 212.

[Amendment provides that the collective marketing of agricultural and dairy products is not a conspiracy.]

CHAPTER 38.—*Intimidation of employers and employees*

SECTION 158. *Persons combining.*—If any two or more persons shall combine for the purpose of depriving the owner or possessor of property of its lawful use and management, or of preventing, by threats, suggestions of danger, or any unlawful means, any person from being employed by or obtaining employment from any such owner or possessor of property, on such terms as the parties concerned may agree upon, such persons so offending shall be fined not exceeding $500, or confined in the county jail not exceeding six months.

SEC. 159. *Individuals making threats.*—If any person shall, by threat, intimidation or unlawful interference, seek to prevent any other person from working or from obtaining work at any lawful business, on any terms that he may see fit, such person so offending shall be fined not exceeding $200.

SEC. 160. *Entering premises to do injury.*—Whoever enters a coal bank, mine, shaft, manufactory, building or premises of another, with intent to commit

any injury thereto, or by means of threats, intimidation, or riotous or other unlawful doings, to cause any person employed therein to leave his employment, shall be fined not exceeding $500, or confined in the county jail not exceeding six months, or both.

CHAPTER 38.—*Trespass on mines, factory premises, etc.*

SECTION 268. *Trespass on mines, etc.*—Whoever, without authority of law and not being the owner or agent of adjoining lands, enters the coal bank, mine, shaft, manufactory, or place where workmen are employed, of another, without the expressed or implied consent of the owner or manager thereof, after notice that such entry is forbidden, shall be fined not exceeding $200, or confined in the county jail not exceeding six months, in the discretion of the court.

CHAPTER 38.—*Tips to employees—Leasing space*

SECTION 560. *Application of law.*—It shall be unlawful for the owner, proprietor, lessee, superintendent, manager, or agent of any hotel, restaurant, eating house, barber shop, theater, store, building, office building, factory, railroad, street railroad, fair ground, baseball or football ground, hall used for public meetings or entertainments, or any other building, office, or space which is a place of public accommodation or public resort, to rent, lease, or permit to be used any part, space or portion thereof, for any trade, calling, or occupation, or for the exercise of any privilege, by any person, company, partnership, or corporation, for the purpose of accepting, demanding, or receiving, directly or indirectly, from the customers, patrons, or people who frequent such places of public accommodation or public resort, gratuities or donations, commonly called tips, in addition to the regular, ordinary, and published rate of charge for work performed, materials furnished or services rendered: *Provided*, That nothing in this section contained shall be construed to prohibit any employee or servant from accepting or receiving gratuities or donations, commonly called tips, if such gratuities or donations, commonly called tips, are not accounted for, paid over, or delivered, directly or indirectly, in whole or in part, to any person, company, partnership, or corporation, but are retained by such employee or servant, as and for his absolute and individual property.

SEC. 561. *Leases void.*—Any lease, contract, agreement, or understanding entered into in violation of the provisions of section 1, of this act shall be absolutely void.

SEC. 562. *Violations.*—[Penalties are fines not exceeding $10,000, to which may be added imprisonment, three months to one year.]

CHAPTER 38a.—*Wages as preferred claims—In receiverships*

SECTIONS 1–3. *Prior right.*—[Debts owing laborers or servants as wages are to be paid by a receiver or trustee, in full if assets permit; if not, pro rata.]

CHAPTER 48.—*Hours of labor—Eight-hour day*

SECTION 1. *Eight hours a day's work.*— * * * eight hours of labor between the rising and the setting of the sun, in all mechanical trades, arts, and employments, and other cases of labor and service by the day, except farm employments, shall constitute and be a legal day's work, where there is no special contract or agreement to the contrary.

SEC. 2. *Application.*—This act shall not apply to or in any way affect labor or service by the year, month, or week; nor shall any person be prevented by anything herein contained from working as many hours overtime or extra hours as he or she may agree, and shall not, in any sense, be held to apply to farm labor.

CHAPTER 48.—*Sex no disqualification for employment*

SECTION 3. *Sex not a bar.*—No person shall be precluded or debarred from any occupation, profession, or employment (except military) on account of sex: *Provided*, That this act shall not be construed to affect the eligibility of any person to an elective office.

SEC. 4. *Act construed.*—Nothing in this act shall be construed as requiring any female to work on streets or roads, or serve on juries.

CHAPTER 48.—*Payment of wages—Modes and times*

SECTION 15a. *Corporations to pay wages semimonthly.*—Every corporation for pecuniary profit engaged in any enterprise or business within the State of Illinois shall as often as semimonthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom, shall be paid in full following his or her dismissal or voluntary leaving his or her employment, at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employees or by any other means secure exemption from the provision of this act. And each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

SEC. 15b. *Violations.*—[Penalties are fines, not less than $25 nor more than $100 for each offense. Failure to pay each employee is a separate offense.]

SEC. 16. *Wages to be paid in full.*—It shall be unlawful for any corporation doing business within this State to withhold from any of its laborers, servants, or employees any part or per cent of the wages earned by such laborer, servant, or employee, beyond the date of the regular pay day of said corporation, under the guise or pretext that the amount of wages so withheld is to be given or presented to such laborer, servant, or employee as a present or gratuity from said corporation at the expiration of any future date, on condition that the services of such laborer, servant, or employee have been performed to the entire satisfaction of said corporation, or upon condition that such laborer, servant, or employee shall, unless sooner discharged by said corporation, remain in its employ until the expiration of some future date designated by said corporation, or under any other similar pretext or condition, but all such wages shall be paid in full by said corporation on its regular pay day: *Provided*, That nothing in this act contained shall be held to abridge the right of any corporation not making or requiring contracts of the class specified above to make such contract or arrangement as may be legal concerning the payment of wages to employees: *And provided further*, Nothing herein contained shall be construed to affect the right of any corporation to contract for the retention of a part of the wages of said laborers, servants, and employees for the purpose of giving to said servants, laborers, and employees insurance, hospital, sick or other similar relief.

SEC. 17. *Void contracts.*—All contracts or agreements of the kind and character referred to and described in section 1 [16] of this act, hereafter made by any corporation doing business in this State are hereby declared to be illegal, against public policy, and null and void, and no such agreement or contract shall constitute a defense upon the part of any such corporation, to any action brought by any such laborer, servant, or employee for the recovery of any wages due him and withheld from him by any such corporation, contrary to the provisions of this act.

SEC. 18. *Penalty.*—Any such corporation doing business in this State who shall violate the provisions of this act shall for each offense forfeit the sum of two hundred dollars, to be recovered from it in any [an] action of debt in the name of the people of the State of Illinois or by any person who may sue for the same.

SEC. 19. *Enforcement.*—It is hereby made the duty of the several State's attorneys of this State, in their respective counties, to prosecute all actions commenced in the name of the people of the State of Illinois under the provisions of this act.

SEC. 19a. *Orders, etc., to be redeemable.*—No person, firm, or corporation engaged in any business or enterprise within this State shall issue, in payment of or as evidence of indebtedness, for wages due an employee for labor, any time check, store orders, scrip, or other acknowledgment of indebtedness, unless the same is payable or redeemable upon demand, without discount and for face value, in lawful money of the United States at the office or place of business of such person, firm, or corporation.

SEC. 19b. *Violation.*—[Violation of the foregoing section is punishable by a fine not exceeding $100, or imprisonment not exceeding 30 days, or both.]

CHAPTER 48.—*Employment of children—General provisions*

[As amended 1921, p. 435]

SECTION 20. *Age; hours.*—[Employment under the age of 14 in theaters, mercantile establishments, offices, hotels, factories, canneries, etc., or at any work for wages during the school term is forbidden; but "temporary and harmless" work may be engaged in for pay outside of school hours. No minor may work more than 8 hours per day or 6 days per week; nor if under 14, between 6 p. m. and 7 a. m.]

SEC. 20a. *Registers.*—[Registers must be kept of children 14 to 16 years of age.]

SEC. 20b. *Posting.*—[List of names must be posted in the workroom.]

SEC. 20c. *Certificates.*—[Employment certificates are required for children under 16 years of age.]

SECS. 20d, 20e. *Evidence.*—[Issue of certificates calls for equivalent of 6 years of school work, certificate of physical fitness signed by a designated physician, and proof of age.]

SEC. 20f. *Receipt.*—[Employees must acknowledge receipt of certificates and return same to the issuing officer on termination of employment.]

SEC. 20g. *Enforcement.*—[Department of labor makes inspections; school boards may make complaints.]

SEC. 20h. *Work time.*—[Children under the age of 16 may not be employed more than 6 days per week nor 8 hours per day, nor between 7 p. m. and 7 a. m. Schedule must be posted.]

SEC. 20i. *Dangerous employments.*—[Designated list forbidden to children under 16 years of age (see secs. 3145, 3148, Delaware Code, for similar list). Constant standing is forbidden for girls under 16.]

SEC. 20j. *Presence.*—[Presence in establishment is evidence of employment.]

SECS. 20k, 20l. *Enforcement and penalties.*—[The department and school officials enforce the law; penalties are fines, $5 to $200 for various acts.]

CHAPTER 48.—*Factory, etc., regulations*

SECTION 21. *Sewing, etc., in living rooms.*—No room or rooms, apartment, or apartments in any tenement or dwelling house used for eating or sleeping purposes, shall be used for the manufacture, in whole or in part, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers, or cigars, except by the immediate members of the family living therein. Every such workshop shall be kept in a cleanly state, and shall be subject to the provisions of this act; and each of said articles made, altered, repaired, or finished in any of such workshops shall be subject to inspection and examination, as hereinafter provided, for the purpose of ascertaining whether said articles, or any of them, or any part thereof, are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid, shall within fourteen days from the taking effect of this act, or from the time of beginning of work in any workshop as aforesaid, notify the board of health of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed.

SEC. 22. *Infectious diseases, etc.*—If the board of health of any city or said State inspector finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured, or in process of manufacture therein, and if said board or inspector shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board or inspector shall issue such order or orders as the public health may require, and the board of health are [is] hereby enjoined to condemn and destroy all such infectious and contagious articles.

SEC. 23. *Importation of sweat shop manufacturers.*—Whenever it shall be reported to said inspector or to the board of health, or either of them, that coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars are being transported to this State, having been previously manufactured in whole or part under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods, or any of them, are found to contain vermin, or to have been [made] in improper places or under unhealthy conditions, he shall make report thereof to the board of health, or inspector, which

board or inspector shall thereupon make such order or orders as the public health shall require, and the board of health are hereby empowered to condemn and destroy all such articles.

SEC. 26. *List of names, etc.*—Every person, firm or corporation, agent or manager of a corporation employing any female in any manufacturing establishment, factory, or workshop, shall post and keep posted, in a conspicuous place in every room where such help is employed, a printed notice stating the hours for each day of the week between which work is required of such persons, and in every room where children under sixteen years of age are employed a list of their names, ages, and place of residence.

SEC. 27. *Definitions.*—The words "manufacturing establishment," "factory," or "workshop," wherever used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, cleaned or sorted, in whole or in part, for sale or for wages. Whenever any house, room, or place is used for the purpose of carrying on any process of making, altering, repairing, or finishing, for sale or for wages, any coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers, or cigars, or any wearing apparel of any kind whatsoever, intended for sale, it shall within the meaning of this act be deemed a workshop for the purposes of inspection. And it shall be the duty of every person, firm, or corporation to keep a complete list of all such workshops in his, their, or its employ, and such list shall be produced for inspection on demand by the board of health or any of the officers thereof, or by the State inspector, assistant inspector, or any of the deputies appointed under this act.

SEC. 28. *Violations.*—Any person, firm, or corporation who fails to comply with any provision of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

SEC. 43. *Blowers for emery wheels, etc.*—All persons, companies. or corporations operating any factory or workshop, where emery wheels or emery belts of any description are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptable [receptacle] placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act: *And provided*, This act shall not apply to small shops employing not more than one man in such work.

SEC. 44. *Hoods or hoppers.*—It shall be the duty of any person, company, or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery, or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet of [or] cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same [said] hood or hopper.

SEC. 45. *Suction pipes.*—Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch such suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe, not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached, shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

SEC. 46. *Fans, etc.*—It shall be the duty of any person, company, or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction

or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less, the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed, to which such wheels are attached. All bends, turns, or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Sec. 47. *Investigation of complaints.*—It shall be the duty of any factory inspector, sheriff, constable, or prosecuting attorney of any county in this State in which any such factory or workshop is situated, upon receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar as compensation for his services, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose, they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager, or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act and [as] hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

Sec. 48. *Violations.*—[Violators may be fined not less than $25 nor more than $100.]

Chapter 48.—*Free public employment offices*

Section 53 (as amended 1921, p. 443). *Number of offices.*—The department of labor is authorized to establish and maintain free employment offices, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor, as follows: One in each city, village, or incorporated town of not less than twenty-five thousand population; one in two or more contiguous cities, villages, or incorporated towns having an aggregate or combined population of not less than twenty-five thousand; and in each city containing a population of one million or over, one central office with as many departments as would be practicable to handle the various classes of labor, and such branch offices not to exceed four at any one time, the location of branch offices to be approved by the governor. Such offices shall be designated and known as Illinois free employment offices.

Sec. 55. *Offices; register.*—The general superintendent of the central office in each city containing a population of one million or over, and the superintendent of each free employment office in each city containing a population of less than one million, shall, within sixty days after appointment, open an office in such locality as shall have been agreed upon between such general superintendent or superintendent and the secretary of the bureau of labor statistics as being most appropriate for the purpose intended; such office to be provided with a sufficient number of rooms and apartments to enable him to provide and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each such office, in position and manner to secure the fullest public attention, shall be placed a sign which shall read in the English language, Illinois Free Employment Office, and the same shall appear either upon the outside windows or upon signs in such other languages as the location of each such office shall render advisable. The general superintendent or superintendent of each such free employment office shall receive and register the names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired upon blank forms furnished by the bureau of labor statistics, together with such other facts as may be required by the bureau of labor statistics to be used by said bureau: *Provided*, That no record shall be open to public inspection at any time, and that such statistical and sociological data as the bureau of labor may require shall be held in confidence by said bureau, and so published as not to reveal the identity of anyone: *And provided further*, That any applicant who shall decline to furnish answers as to the questions contained in application blanks shall not thereby forfeit any rights to any employment the office might secure.

SEC. 57. *Methods; strikes, etc.*—It shall be the duty of each such superintendent and general superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the cooperation of said employers of labor, with the purposes and objects of said employment offices. To this end it shall be competent for such superintendents and general superintendents to advertise in the columns of newspapers, or other mediums, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Illinois or not.

Full information shall be given to applicants regarding the existence of any strike or lockout in the establishment of any employer seeking workers through the Illinois free employment offices.

SEC. 59. *Fees forbidden.*—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices, and any superintendent, general superintendent, department superintendent, assistant department superintendent, assistant superintendent, or clerk who shall accept, directly or indirectly, any fee or compensation from any applicant or from his or her representative shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than fifty dollars and imprisoned in the county jail not more than thirty days.

SEC. 60. *Definitions.*—[The act includes work and workers in any legitimate enterprise, professional as well as manual employments being covered.]

CHAPTER 48.—*Private employment offices*

SECTION 67a. *License required, term, etc.*—No person shall open, keep, or carry on any employment agency in the State of Illinois unless every such person shall procure a license therefor from the State board of commissioners of labor. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars ($50) and not exceeding two hundred dollars ($200), or on failure to pay such fine, by imprisonment for a period not exceeding six months, or both, at the discretion of the court. Such license shall be issued by the State board of commissioners of labor, the fee for which in cities having a population of fifty thousand or over shall be fifty dollars ($50) annually and a fee of twenty-five dollars ($25) annually in all cities containing less than fifty thousand population. * * *

Every license shall contain the name of the person licensed, a designation of the city, street, and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any place other than that designated in the license unless consent is first obtained from the State board of commissioners of labor, or the chief inspector of employment agencies and until the written consent of the surety or sureties on the bond required to be filed by section 2 of this act to such transfer, be filed with the original bond. No such agency shall be located on premises where intoxicating liquors are sold, excepting cafés and restaurants in office buildings. The application for such license shall be filed with the State board of commissioners of labor not less than one week prior to the granting of said license and the State board of labor commissioners shall act upon such application within thirty (30) days from the time of application. Such application shall be accompanied by the affidavits of two persons who have known the applicant or the chief officer thereof, if a corporation, for two years, stating that the said applicant is a person of good moral character. The license shall run for one year from the date thereof and no longer, unless sooner revoked by the State board of commissioners of labor. Such application shall be posted in the office of the State board of commissioners of labor or in the office of the chief inspector of private employment agencies, from the date of filing thereof, and until such application is acted upon; and before any license shall be granted, notice of such application shall be published on three (3) distinct days by the State board of labor commissioners in some daily newspaper of general circulation throughout the county within which the applicant desires to locate such agency.

SEC. 67b. *Bonds.*—The State board of commissioners of labor shall require such person to file with his application for a license a bond in due form to the

people of the State of Illinois, for the penal sum of five hundred dollars ($500), with one or more sureties, to be approved by the said State board of commissioners of labor, and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this act. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee thereof shall be entitled to the same remedies upon the bond of such licensed person, or otherwise, as the person aggrieved would have been entitled to, if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist.

Sec. 67c. *Registers, etc.*—It shall be the duty of every such licensed person to keep a register, in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment and amount of the fee received. Such licensed person shall also enter, in a separate register, in the English language, the name and address of every accepted applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received, and the rates of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the State board of commissioners of labor, their duly qualified agents, and the officers created by this act.

No such licensed person or his employees shall knowingly make any false entries in such register. It shall be the duty of such licensed persons who employ agents or solicitors to provide each of the said employees with a suitable badge, containing said licensed person's name, and address of such agency and number of such license, and shall file with the State board of commissioners of labor the name of each such employee.

Sec. 67d. *Fees.*—A registration fee not to exceed two dollars ($2.00) may be charged by such licensed agency when such agency shall be at actual expense in advertising such individual applicant, or in looking up the references of said applicant. In all such cases a complete record of such references shall be kept on file, which record shall, during all business hours, be open for the inspection of the said State board of commissioners of labor, the chief inspector of employment agencies, or his assistants. For such registration fee a receipt shall be given to said applicant for help or employment, giving name of such applicant, date of payment, and character of position or help applied for. Said registration fee shall be returned to said applicants on demand, after thirty (30) days and within sixty (60) days from date of the receipt, less the amount that has been actually expended by said licensed agency for said applicant, and an itemized account of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee, provided no position has been furnished by said licensed agency to said applicant.

No licensed person or persons shall, as a condition to registering or obtaining employment for such applicant, require such applicant to subscribe to any publication or exact any other fees, compensation, or reward, other than the registration fee aforesaid, and a further fee, the amount of which shall be agreed upon between such applicant and such licensed person, to be payable at such time as may be agreed upon in writing, but the further fee aforesaid shall not be received by such licensed person before the applicant has been tendered a position by said licensed person. In the event the position so tendered is not accepted by or given such applicant, said licensed person shall refund all fees requested by said applicant, other than the registration fees aforesaid within three (3) days after demand is made therefor. No such licensed person shall send out any applicant for employment without having obtained a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place where said applicant was directed, said licensed party shall refund to such applicant within five (5) days after demand any sum paid by said applicant for transportation in going to and returning from said place and all fees paid by said applicant.

In addition to the receipt herein provided to be given for registration fees, it shall be the duty of such licensed persons to give, to every applicant for

employment from whom other fee or fees shall be received, an additional receipt, in which shall be stated the name of such applicant, the date and amount of such other fees; and to every applicant for help from whom other fee or fees shall be received, an additional receipt, stating the name and address of said applicant, the date and amount of such other fee or fees, and the kind of help to be provided. All receipts shall have printed on the back thereof, in the English langnage, the name and address of the State board of commissioners of labor and the chief inspector of employment agencies.

Every such licensed person shall give to every applicant for employment, a card or printed paper containing the name of the applicant, the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. If an employee furnished fails to remain one week in a situation, through no fault of the employer, a new employee shall be furnished to the applicant for help, if he so elects, or three-fifths (3/5) of all fees paid returned within four (4) days after demand: *Provided*, Said applicant for help notifies said licensed person within three (3) days of the failure of the applicant to accept the position or the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault, another position shall be furnished, or three-fifths (3/5) of all fees paid returned to the applicant for employment.

Every person shall post in a conspicuous place in each room of such agency, sections three (3), four (4), and five (5) of this act, which shall be printed in languages which persons commonly doing business with such agency can understand. Such printed matter shall also contain the name and address of the State board of labor commissioners and the chief inspector of employment agencies, and shall be furnished by the State board of labor commissioners.

Sec. 67e. *Accepting pay to withhold services; labor sent outside city.*—No such licensed person shall solicit or receive any fees, compensation, or reward from any employer, in payment for such person's refusal to register or obtain employment for any applicant for employment. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract or railroad laborers, in any place outside the city in which such agency is located, the said licensed person shall give each of such laborers, in a language with which such laborers are familiar, a statement containing the following items: Name and address of the employer, name and nature of the work to be performed, wages offered, destination of the person employed, terms of transportation and probable duration of employment; and a duplicate of snch statement shall be kept on file in the office of the licensed person sending out such laborers.

Sec. 67f. *Immoral resorts; fraudulent notices.*—No such licensed person shall send or cause to be sent, any female help or servants, or inmate or performer, to enter any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, or gambling house, the character of which such licensed person knows, either actually or by reputation.

No such licensed person shall knowingly permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of the child labor law. * * * For the violation of any of the provisions of this section the penalty shall be a fine of not less than fifty dollars ($50) and not more than two hundred dollars ($200), or imprisonment in the county jail or house of correction for a period of not more than one year, or both, at the discretion of the court, in addition to the revocation of such person's license. No such licensed person shall publish or cause to be published any fraudulent notice or advertisements of such employment agencies by means of cards, circnlars, or signs, and in newspapers and other publications; and all of its letter heads, receipts, and blanks shall contain the name and address of such employment agency and shall state in all such notices the fact that such licensed person is or conducts an employment agency. No agency shall print, publish, or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the Illinois free employment office. All written communications sent out by such licensed person, directly or indirectly, to any person in regard to help or employment shall have contained therein definite information that such person is an employment

agent; and no such licensed person shall knowingly give any false information or make any false promise concerning employment to any applicant who shall register for employment or help. No such licensed agent shall divide fees with or pay a commission to any person to whom applicants are sent for employment or help.

Sec. 67g. *Definitions.*—Any person, firm, or corporation who, for hire or with a view to profit, shall undertake to secure employment or help, or through the medium of [a] card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured, shall be deemed a private employment agency and be subject to the provisions of this act, provided that charitable institutions are not included. The term fee as used in this act means money or a promise to pay money. The term fee also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage, or lodging for any applicant for employment. The term fee as used in this act also means and includes the difference between the amount of money received by any person who furnishes employees or performers for any entertainment, exhibition, or performance, and the amount paid by the said person to the employees or performers whom he hires to give such entertainments, exhibition, or performance. The term privilege as used in this act means and includes the furnishing of food, supplies, tools, or shelter to contract laborers, commonly known as commissary privileges.

Sec. 67k. *Construction.*—Should one or more of the provisions of this act be held invalid, such invalidity shall in no manner affect any of the valid provisions hereof.

Chapter 48.—*Accidents to be reported*

Section 73. *Reports required.*—It shall be the duty of every person, firm, or corporation employing laborers, artisans, mechanics, miners, clerks or any other servants or employees of any character, to make a report to the State bureau of labor statistics of every serious injury entailing a loss of thirty or more days' time, injury or death of every employee caused by accident while in the performance of any duty or service for such employer within thirty (30) days from the date of such injury or death. Such report shall give the name of the employer, character of business of such employer, where located, date of injury or death, name of person killed or injured, character of employment of service, and cause of such injury or death, and when injury alone, then the character and extent of such injury, residence, nativity, and age of the person injured or killed, whether married or single, and, if known, how many persons are dependent upon such employee.

Sec. 74. *Annual reports.*—It shall be the duty of the State bureau of labor statistics to cause such reports to be made and to enforce the provisions of this act and shall cause all of such accidents or deaths by accidents to be classified into trades or kinds of employment, and shall cause the same to be published at least once each year on or before January 1st.

Sec. 75. *Violations.*—[Violations are punishable by fine, $25 to $200.]

Chapter 48.—*Department of factory inspection*

Section 76. *Department created.*—There is hereby created and established a separate and distinct department of the State government to be known as the "Illinois Department of Factory Inspection."

Sec. 77. *Chief inspector.*—The governor shall, upon the taking effect of this act, appoint a chief State factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection and all of its inspectors, and secure the enforcement of all laws now in force or hereafter enacted relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in this State, and to perform such other duties as are now or may hereafter be prescribed by law to be performed by the factory inspector. The salary of such chief State factory inspector shall be three thousand dollars ($3,000.00) per annum and his term of office shall be four (4) years.

The governor shall appoint, upon the taking effect of this act, an assistant chief factory inspector at a salary of two thousand two hundred and fifty

[dollars] ($2,250.00) per annum; one physician at a salary of fifteen hundred dollars ($1,500.00) per annum; and thirty (30) deputy factory inspectors, who shall receice a salary of twelve hundred dollars ($1,200.00) per annum; and an attorney for said department at a salary of fifteen hundred dollars ($1,500.00) per annum.

The duties of the assistant chief factory inspector, medical, expert, and deputy inspectors as herein provided shall be the same as those now or hereafter imposed by law upon the chief State factory inspector and the assistant chief factory inspector and the deputy factory inspectors, and they shall be subject to the supervision and direction of the chief State factory inspector in the discharge of such duties. Said chief State factory inspector and the other inspectors provided for herein shall visit and inspect, at all reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops, and commercial institutions in this State, where goods, wares, and merchandise are manufactured, stored, purchased, or sold at wholesale or retail.

And the chief State factory inspector shall report in writing to the governor on the thirtieth (30th) day of June annually the result of his inspections and investigations, together with such other information and recommendations as he may deem proper. And said inspectors shall make a special investigation into the conditions of labor in this State, or into any alleged abuses in connection therewith, whenever the governor shall direct, and report the results of the same to the governor.

It shall be the duty of the said inspectors to enforce the provisions of this act and perform such other duties as now are or shall hereafter be prescribed by law, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in this State before any magistrate or in any court of competent jurisdiction in this State.

And it shall be the duty of the State's attorney of the proper county, upon request of the chief State factory inspector or his deputies, to prosecute any violation of law which it is made the duty of the factory inspectors to enforce. And it shall be the duty of the attorney for such department to prosecute, when requested by the chief State factory inspector, any infractions or violations of law which is now or may be hereafter made the duty of the factory inspector to enforce.

Said chief State factory inspector shall, by written order filed with the governor, divide the State into inspection districts, due regard being had to the number of establishments and the amount of work required to be performed in each district. And he shall assign to each district a deputy inspector who shall have charge of the inspection in the district to which he is assigned under the supervision of the chief State factory inspector. The chief State factory inspector may at any time, when in his discretion the good of the service requires, change a deputy inspector from one district to another or reassign the districts of the State among the several deputy inspectors under his charge. He may at any time, when the conditions are changed, or in his discretion the good of the service requires, by a like order filed with the governor, redivide the State into inspection districts, changing the territory embraced within the sevaral districts as to him may seem advisable.

Chapter 48.—*Protection of employees on buildings*

Section 79. *Scaffolds, etc.*—All scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances, erected or constructed by any person, firm or corporation, in this State, for the use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct, or other structure, shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated, as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thercon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

Scaffolding, or staging, swung or suspended from an overhead support, more than twenty (20) feet from the ground or floor, shall have where practicable, a safety rail properly bolted, secured and braced, rising a [at] least thirty-four (34) inches above the floor, or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 81. *Strength of floor during construction.*—It shall be the duty of the owner of every house, building or structure (except a private house, used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously, on each floor, of such building, during construction, a placard, stating the load per square floor [foot] of floor surface, which may with safety, be applied to that particular floor, during such construction; or if the strength of different parts of any floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors, or any part thereof, to a greater extent than the load indicated on such placards, and all such placards shall be verified and approved by the State factory inspector, a deputy factory inspector, or by the local commissioner or inspector of buildings or other proper authority, in the city, town or village, charged with the enforcement of building laws.

SEC. 82. *Inspection.*—[If State or local authorities are informed of unsafe conditions, they must cause an inspection to be made, and if necessary, notice and warning shall issue, whereupon use of the condemned appliance shall cease until made safe. Access to inspectors must be allowed. Scaffolds, platforms, etc., must be constructed so as to bear four times the weight required to be supported thereby, and must not be dangerously overloaded or crowded.]

SEC. 83. *Secondary scaffold.*—Any person, firm or corporation in this State hiring, employing or directing another to perform labor of any kind in the erecting, repairing, altering or painting of any water pipe, standpipe, tank, smokestack, chimney, tower, steeple, pole, staff, dome or cupola, when the use of any scaffold, staging, swing, hammock, support, temporary platform, or other similar contrivance are required or used, in the performance of such labor shall keep and maintain at all times, while such labor is being performed, and such mechanical device is in use or operation, a safe and proper scaffold, stay, support or other suitable device, not less than sixteen (16) feet or more below such working scaffold, staging, swing, hammock, support or temporary platform, when such work is being performed, at a height of thirty-two feet, for the purpose of preventing the person or persons performing such labor, from falling in case of any accident to such working scaffold, staging, swing, hammock, support or temporary platform.

SEC. 84. *Floors to be filled in.*—All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors of [or] filling in between the floors are fireproof material or brickwork, shall complete the flooring or filling in as the building progresses, to not less than within three tiers or beams below that on which the ironwork is being erected. If the plans and specifications of such buildings do not require filling in between the beams or floors with brick or fireproof material, all contractors for carpenter work in the course of construction shall lay the underflooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, such owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in the course of construction or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 85. *Hoist shafts.*—If elevating machines or hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction

is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alleys shall be barricaded from use by the public. The chief officer in any city, town, or village charged with the enforcement of local building laws, and the State factory inspector are hereby charged with enforcing the provisions of this act: *Provided*, That in all cities in this State where a local building commissioner is provided for by law, such officer shall be charged with the duty of enforcing the provisions of this act, and in case of his failure, neglect or refusal so to do, the State factory inspector shall, pursuant to the terms of this act, enforce the provisions thereof.

SEC. 86. *Signals.*—If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration, or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor, or subcontractor, during the use and operation of such elevating machines or hoisting apparatus, in order that prompt and effective communication may be had at all times between the operator of engine or motive power of such elevating machine and hoisting apparatus, and the employees or persons engaged thereon, or in using or operating the same.

SEC. 88. *Violations.*—[Penalties for violations are fines, $25 to $200, or imprisonment, three months to two years, or both. If prosecution is necessary, a reasonable attorney's fee may be allowed. Liability also accrues for injuries or death due to willful failure to comply with the law.]

CHAPTER 48.—*Factory, etc., regulations*

SECTION 89. *Guards for dangerous machinery.*—All power driven machinery, including all saws, planers, wood shapers, jointers, sandpaper machines, iron mangles, emery wheels, ovens, furnaces, forges, and rollers of metal; all projecting set screws on moving parts; all drums, cogs, gearing, belting, shafting, tables, fly wheels, flying shuttles, and hydro-extractors; all laundry machinery, mill gearing, and machinery of every description; all systems of electrical wiring or transmission; all dynamos and other electrical apparatus and appliances; all vats or pans, and all receptacles containing molten metal or hot or corrosive fluids in any factory, mercantile establishment, mill or workshop, shall be so located wherever possible, as not to be dangerous to employees or shall be properly inclosed, fenced, or otherwise protected. All dangerous places in or about mercantile establishments, factories, mills or workshops, near to which any employee is obliged to pass, or to be employed shall, where practicable, be properly inclosed, fenced or otherwise guarded. No machine in any factory, mercantile establishment, mill, or workshop, shall be used when the same is known to be dangerously defective, and no repairs shall be made to the active mechanism or operative part of any machine when the machine is in motion.

SEC. 90. *Removing guards.*—No person shall remove or make ineffective any safeguard required by this act during the active use or operation of the guarded machine or device except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced.

SEC. 91. *Cut-offs; pulleys, etc.*—In every factory, mercantile establishment, mill, or workshop effective means shall be provided for immediately disconnecting the power, so that in case of need or accident any particular machine, group of machines, room, or department can be promptly and effectively shut down.

(a) Where machines require to be started and stopped frequently, they shall, wherever practicable, be provided with tight and loose pulleys, clutch, or other effective disengaging device. When provided with tight and loose pulleys the shifting of the belt shall be accomplished by the use of a belt shifter placed within easy reach of the operator. When a clutch or other disengaging device is used an effective means for throwing such device into or out of engagement shall be provided and shall be placed within easy reach of the operator.

(b) Where machines are direct connected with the prime mover (electric motor, steam, gas, or gasoline engine, or other source of power), a switch, throttle, or other power-controlling device shall be furnished and shall be placed within easy reach of the operator or his coworker.

(c) Where machines are arranged in groups, rooms, or departments and power is supplied by a prime mover located within the confines of such group, room, or department, a switch, throttle, or other power-controlling device

shall be furnished and shall be placed within easy reach of the operators affected, so that all shafting, transmitting machinery, and machines of such group, room, or department can be simultaneously shut down.

(d) Where machines are arranged in groups, rooms, or departments and are supplied by power through the use of main or line shafts receiving power from some prime mover located without the group, room, or department, the power-receiving wheel of such main or line shaft shall, wherever possible, be provided with a friction clutch or other effective power-disengaging device, with suitable means for operating the clutch or power-disengaging device, and these means shall be placed within the confines of such group, room, or department and within easy reach of the employees or operatives affected, so that all machines, shafting, and other transmission machinery within such group, room, or department can be simultaneously shut down. In addition to such safeguard, communication, consisting of speaking tubes, electric bells, electric colored lights, or other approved and effective means, shall be provided in all cases covered by this paragraph between each such group, room, or department, and the room in which the engineer or prime mover is located, so that in case of need or accident the motive power of such group, room, or department can be promptly stopped or controlled.

Sec. 92. *Hoistways, etc.*—All hoistways, hatchways, elevator wells, and wheel holes in factories, mercantile establishments, mills, or workshops shall be securely fenced, inclosed, or otherwise safely protected, and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open in order that the said hatchways, elevators, or hoisting apparatus may be used. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some device whereby the car or cab may be held in the event of accident to the shipper rope or hoisting machinery or controlling apparatus.

Sec. 93. *Defects to be remedied.*—If an elevator, machine, electrical apparatus, or system of wiring, or any part or parts thereof, in any factory, mercantile establishment, mill, or workshop, are in an unsafe condition or are not properly guarded where reasonable to guard the same, the owner or lessee, or his agent, superintendent, or other person in charge thereof, shall, upon notice from the chief State factory inspector, or the assistant chief State factory inspector, remedy such unsafe condition within a reasonable time after receiving such notice.

Sec. 94. *Unskilled employees.*—No employee of any factory, mercantile establishment, mill, or workshop, shall operate or tamper with any machine or appliance with which such employee is not familiar and which is in no way connected with the regular and reasonable necessary duties of his employment, unless it be by and with the direct or reasonably implied command, request, or direction of the master or representative or agent.

Sec. 95. *Traversing machinery.*—The traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen (18) inches from any fixed structure, not being part of the machine, if the space over which it runs out is a space through which any employee is liable to pass, whether in the course of his employment or otherwise.

Sec. 96. *Food not to be taken into certain factories.*—No employee shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill or workshop, where white lead, arsenic or other poisonous substances or injurious or noxious fumes, dusts or gases under harmful conditions are present, as the result of the business conducted by such factories, mercantile establishments, mills or workshops, and notice to this effect shall be posted in each room or apartment. Employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer, when practicable, for enabling the employees to take their meals elsewhere in such establishments: *Provided, however*, That this section shall not apply to such employees whose presence during meal hours may be necessary for the proper conduct of such business.

Sec. 97. *Seats.*—[Seats must be provided in manufacturing and mercantile establishments in which females are employed, and their use allowed when it will not actually and necessarily interfere with the discharge of duty.]

Sec. 98. *Temperature, etc., of workrooms.*—In every factory, mercantile establishment, mill or workshop, where one or more persons are employed, adequate measures shall be taken for securing and maintaing a reasonable, and as far as possible, equable temperature, consistent with the reasonable

requirements of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted.

SEC. 99. *Air space and ventilation.*—In every room or apartment of any factory, mercantile establishment, mill, or workshop, where one or more persons are employed, at least five hundred (500) cubic feet of air space shall be provided for each and every person employed therein, and fresh air, to the amount specified in this act, shall be supplied in such a manner as not to create injurious drafts, nor cause the temperature of any such room or apartment to fall materially below the average temperature maintained: *Provided*, Where lights are used which do not consume oxygen, 250 cubic feet of air space shall be deemed sufficient.

[Other provisions relate to the conditions under which artificial ventilation must be resorted to, the supply required varying with window space, cubic content of room per employee, etc. The maximum requirement is 2,000 cubic feet per hour per employee; no air supply is to be drawn from a cellar or basement.]

SEC. 100. *Effluvia, etc.*—All factories, mercantile establishments, mills, or workshops shall be kept free from gas or effluvia arising from any sewer, drain, privy, or other nuisance on the premises. All poisonous or noxious fumes or gases arising from any process and all dust of a character injurious to the health of the persons employed which is created in the course of a manufacturing process within such factory, mill, or workshop shall be removed, as far as practicable, by either ventilating or exhaust devices.

SEC. 101. *Rooms to be cleaned daily.*—All decomposed, fetid, or putrescent matter and all refuse, waste, and sweepings of any factory, mercantile establishment, mill, or workshop shall be removed and disposed of at least once each day and in such a manner as not to cause a nuisance; and all cleaning shall be done, as far as possible, outside of working hours; but if done during working hours, shall be done in such a manner as to avoid the unnecessary raising of dust or noxious odors. In every factory, mill, or workshop in which any process is carried on which makes the floors wet the floor shall be constructed and maintained with due regard to the health of employees, and gratings or dry standing rooms shall be provided, if practicable, at points where employees are regularly stationed, and adequate means shall be provided for drainage and for preventing seepage or leakage to the floors below.

SEC. 102. *Fire escapes.*—In all factories, mercantile establishments, mills, or workshops sufficient and reasonable means of escape in case of fire shall be provided by more than one means of egress, and such means of escape shall at all times be kept free from any obstruction and shall be kept in good repair and ready for use and shall be plainly marked as such.

SEC. 103. *Doors to open outward.*—All doors used by employees as entrances to or exits from any factory, mercantile establishment, mill, or workshop, of a height of two stories or over, shall open outward, slide or roll, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergency.

SEC. 104. *Stairways.*—Proper and substantial hand rails shall be provided on all stairways in factories, mercantile establishments, mills, or workshops, and the treads on all stairways shall be so constructed as to furnish a firm and safe foothold.

SEC. 105. *Lights in hallways, etc.*—In all factories, mercantile establishments, mills or workshops a proper light shall be kept burning by the owner or lessee in all main passageways, main hallways, at all main stairs, main stair landings and shafts, and in front of all passenger or freight elevators, upon the entrance floors, and upon the other floors, on every workday of the year, from the time that the building is opened for use until the time when it is closed, except at times when the influx of natural light shall make artificial light unnecessary: *Provided*, That when two or more tenants occupy different floors in one building, such elevator shafts need be lighted only on the floors occupied and used by employees.

SEC. 106. *Overloading floors.*—No floor space of any workroom in any factory, mercantile establishment, mill, or workshop shall be so overloaded with machinery or other material as thereby to cause serious risk to or endanger the life or limb of any employee; nor shall there be permitted in any such establishment a load in excess of the safe sustaining power of the floors and walls thereof.

SEC. 107. *Passageways between machinery.*—In all factories, mercantile establishments, mills, or workshops, machines must not be placed so closely together

as to be a serious menace to those that have to pass between them. Passageways must be of ample width and head room and must be kept well lighted and free from obstructions.

SEC. 108. *Toilets.*—[Factories, workshops, and mercantile establishments must be supplied with water closets, etc., one to every 30 male employees and one to every 25 females, separate and plainly marked, properly inclosed, ventilated, cleanly kept, and properly lighted.]

SEC. 109. *Wash rooms.*—[Wash rooms shall also be provided, if necessary, in factories, etc., one spigot or basin for each 30 employees, and in mercantile establishments one for each 50. If the work is of such character as to make a change of clothing customary or necessary, suitable dressing and washing rooms shall be maintained for each sex.]

SECS. 110, 111. *Duty of employers.*—[Owners, etc., of buildings to which this law applies must make the needed changes to comply with the provisions thereof, the same to be completed within a reasonable time after notification by the inspector.]

SEC. 112. *Reports of accidents.*—[Owners or other persons in charge of factories, mercantile establishments, etc., must make immediate reports of accidents resulting in death and monthly reports of all accidents causing the loss of 15 consecutive days, giving cause and character of accident, employment, and sex and age of the injured person.]

SEC. 113. *Enforcement.*—[It is the duty of the chief State factory inspector and his subordinates to enforce this act, to which end they may visit and inspect at all reasonable times the places covered by it. If a secret process is carried on in any room, the owner may make affidavit that the law is being in all respects complied with, which shall be accepted. If changes have been made which comply with the provisions of this act, they shall not be altered by any other requirement for a term of 12 months.]

SEC. 114. *Violations.*—[Failing to comply with the act or obstructing the inspector in the performance of his duty or otherwise violating the law subjects to a fine of $10 to $50 for a first offense and $25 to $200 for subsequent offenses, each case to stand committed until the payment of fine and costs, or otherwise discharged by process of law.]

SEC. 115. *City ordinances.*—Whenever any inspection of machinery, ways, means, instruments, or appliances in, on, about, or connected with any factory, mill, mercantile establishment, or workshop is required to be made by the ordinance of any city, town, or village of a standard equal to that of this act and the inspection required by such ordinances has been made, then and in every such case such inspection shall be accepted by the chief State factory inspector, the assistant chief State factory inspector, and the deputy factory inspectors as a compliance in that respect with the provisions of this act; and it shall be the duty of the person for whom such inspection has been made to furnish the chief State factory inspector, or his assistants or deputies, with a copy of the report of inspection made under such ordinances.

SEC. 116. *Federal inspection.*—[Establishments under Federal inspection are not covered by this act.]

SEC. 117. *Definitions.*—The following terms used in this act shall have the following meaning: The term "factory" means any premises wherein electricity, steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or any process incident to the manufacturing of any article or part of any article, or the altering, repairing, ornamenting, or the adapting for sale of any article. The term "mill or workshop" shall include any premises, room, or apartment, not being a factory as above defined, wherein any labor is exercised by way of trade or for the purpose of gain in or incidental to any process of making, altering, preparing, cleaning, repairing, ornamenting, finishing, or adapting for sale any article or part of any article, and to which or over which building, premises, room, or apartment the employer of the person employed or working therein has the right of access or control: *Provided, however*, That a private house or private room in which manual or other labor is performed by a family dwelling therein, or by any of them, for the exclusive use of the members of such family is not a factory, mill, or workshop within this definition. The term "mercantile establishment" shall include all concerns or places where goods, wares, or merchandise are purchased or sold, either at wholesale or retail.

SEC. 118. *Law to be printed.*—Copies of this act shall be printed in English and such other languages as may be necessary to disseminate a general knowledge of the provisions herein set forth and shall be supplied by the chief State factory inspector on application.

SEC. 119. *Notice to be posted.*—For the purpose of disseminating a general knowledge of the provisions of this act among employees the chief State factory inspector shall have prepared a notice covering the salient features of this act, which may be in the following form:

Notice to Owners and Employees of Mercantile Establishments, Factories, Mills, and Workshops

This notice must be posted in a conspicuous place in every office and workroom of this establishment. The object of this notice is to promote the health, comfort, and safety of employees, and requires their attention and cooperation.

1. All machinery when in operation is dangerous, and should be considered so by the operator. It should be so protected as to offer the least possible chance for injury to those who operate it.

2. All machinery must be daily inspected by the operator, and upon discovery of any defects notice of the same shall be given at once to anyone in authority, and the machine not used until repaired.

3. All set screws or other dangerous projections on revolving machinery shall be countersunk or otherwise guarded when possible.

4. Means shall be provided and placed within convenient reach for promptly stopping any machine, group of machines, shafting, or other power-transmitting machinery.

5. Machines must not be placed so closely together as to be a serious menace to those who have to pass between them. Passageways must be of ample width and head room and must be kept well lighted and free from obstructions.

6. All hatchways, elevator wells, or other openings in floors shall be properly inclosed or guarded.

7. The premises must be kept in clean and sanitary condition.

8. Ample and separate toilet facilities for each sex shall be provided, and toilet rooms must be kept clean, well ventilated, and well lighted.

9. Food must not be taken into any workrooms where white lead, arsenic, or other poisonous substances or gases are present under harmful conditions.

10. Proper and sufficient means of escape, in case of fire, shall be provided, and shall be kept free from obstructions.

11. Poisonous and noxious fumes or gases, and dust injurious to health, arising from any process, shall be removed, as far as practicable.

12. All employees are strictly prohibited from attempting to operate, experiment, or tamper with machines or appliances with which they are not familiar and which are in no way connected with their regular duties. All employees are prohibited from jumping on or off moving cars, elevators, machines, or appliances not under their immediate charge or control. All employees are prohibited from carrying to their place of work acids, chemicals, or explosives of any kind which are liable to endanger life or property.

13. Reports must be sent to the office of the State factory inspector, as provided by law, and immediate notice of the death of any employee resulting from accident or injuries must be sent to the same office.

The notice shall be printed on cardboard of suitable character, and the type used shall be such as to make it easily legible. In addition to English, this notice shall be printed in such other languages as may be necessary to make it intelligible to employees. Copies shall be supplied by the chief State factory inspector on application, and must be posted in a conspicuous place in every office and workroom of every establishment covered by the provisions of this act.

CHAPTER 48.—*Employment of females—Hours of labor*

SECTION 121. *Ten-hour day.*—No female shall be employed in any mechanical or mercantile establishment, or factory, or laundry, or hotel, or restaurant, or telegraph or telephone establishment or office thereof, or in any place of amusement, or by any person, firm, or corporation engaged in any express or transportation or public utility business, or by any common carrier, or in any public institution, incorporated or unincorporated in this State, more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any day.

The inclusion of public institutions is valid legislation. A municipal corporation is, in its private capacity, subject to penal regulations. 100 N. E. 194.

SECS. 122, 123, 125. *Violations; enforcement.*—[Violations of this act are punishable by a fine of not less than $25 nor more than $100. The State department of factory inspection is charged with its enforcement. Employers to whom it applies must keep records showing the hours of employment of each female in their establishments.]

The statute is constitutional. People *v.* Elerding, 254 Ill., 579, 98 N. E. 982.

CHAPTER 48.—*Occupational diseases—Preventive regulations*

SECTION 153. *Preventive device.*—Every employer of labor in this State, engaged in carrying on any work or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employees to the danger of illness or disease incident to such work or process, to which employees are not ordinarily exposed in other lines of employment, shall, for the protection of all employees engaged in such work or process, adopt and provide reasonable and approved devices, means, or methods for the prevention of such industrial or occupational diseases as are incident to such work or process.

SEC. 154. *Working clothing, etc., to be provided, when.*—Every employer in this State engaged in the carrying on of any process of manufacture or labor in which sugar of lead, white lead, lead chromate, litharge, red lead, arsenate of lead, or paris green are employed, used or handled, or the manufacture of brass or the smelting of lead or zinc which processes and employments are hereby declared to be especially dangerous to the health of the employees engaged in any process of manufacture or labor in which poisonous chemicals, minerals or other substances are used or handled by the employees therein in harmful quantities or under harmful conditions, shall provide for and place at the disposal of the employees engaged in any such process or manufacture and shall maintain in good condition and without cost to the employees, proper working clothing to be kept and used exclusively for such employees while at work, and all employees therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are unnecessarily productive of noxious or poisonous dusts, adequate and approved respirators shall be furnished and maintained by the employer in good condition and without cost to the employees and such employees shall use such respirators at all times while engaged in any work necessarily productive of noxious or poisonous dusts.

SEC. 155. *Medical examinations.*—Every employer engaged in carrying on any process or manufacture referred to in section 2 of this act [sec. 154], shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes referred to in section 2 of this act, to be examined by a competent licensed physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness or any disease or illness due or incident to the character of the work in which the employee is engaged.

SEC. 156. *Physicians to make reports.*—It is hereby made the duty of any licensed physician who shall make the physical examination of employees under the provisions of section 3 of this act, to make an immediate report thereof to the State Board of Health of the State of Illinois upon blanks to be furnished by said board upon request, and if no such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name, address, sex, and age of such employee and the name of such employer, and the nature of the disease or illness with which the employee is afflicted, and the probable extent and duration thereof, and the last place of employment: *Provided*, That the failure of any such physician to receive the blanks of the State board of health for the making of such report, shall not excuse such physician from making the report as herein provided.

SEC. 157. *Reports to department of factory inspection.*—The secretary of the State board of health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 4 of this act, transmit a copy thereof to the Illinois Department of Factory Inspection.

SEC. 158. *Dressing and wash rooms.*—Every employer engaged in carrying on any process or manufacture referred to in section 2 of this act, shall provide, separate and apart from the workshop in which such employees are engaged, a dressing room and lavatory for the use of such employees who are exposed

to poisonous or injurious dusts, fumes, and gases, and such lavatory shall be kept and maintained in a clean and wholesome manner and provided with a sufficient number of basins or spigots with adequate washing facilities, including hot and cold water, clean towels, and soap and shower bath, and the dressing rooms shall be furnished with clothes presses or compartments, so that the ordinary street clothes of such employees shall be kept separate and apart from their working clothes.

Such a law is constitutional. See page 359.

SEC. 159. *Taking food.*—No employee shall take or be allowed to take any food or drink of any kind into any room or apartment in which any process or manufacture referred to in section 2 of this act is carried on, or in which poisonous substances or injurious or noxious fumes, dusts, or gases are present as the result of such work or process being carried on in such room or apartment, and the employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling the employees to take their meals elsewhere in such place of employment, and a sufficient number of sanitary closed receptacles containing wholesome drinking water shall be provided and maintained for the use of the employees within reasonable access and without cost to them.

SEC. 160. *Ventilation.*—All employers engaged in carrying on any process or manufacture referred to in section 2 of this act, shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture, and shall also provide and maintain adequate facilities for carrying off all injurious dust, and the floors in any room or apartment where such work or process is carried on shall, so far as practicable, be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floors in such workshop are dampened so as to prevent the raising of dust; and all ore, slag, dross, and fume shall be kept in some room or apartment separate from the working rooms occupied by the employees, and where practicable, all mixing and weighing of such ore, slag, dross or fume shall be done in such separate room or apartment, and all such material shall, so far as practicable, be dampened before being handled or transported by employees.

SEC. 161. *Cleaning flues, etc.*—When any flues are used in any such process or manufacture referred to in section 2 of this act, and such flues are being cleaned out or emptied, the employer shall in every case provide and maintain a sufficient and adequate means or device, such as canvas bags or other practical device, or by dampening the dust, or some other sufficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employees are obliged to work, and, wherever practicable, the dust occasioned in any process or manufacture referred to in section 2 of this act, and any polishing or finishing therein, shall be dampened or wet down, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working-day; and such parts of the work or process as are especially dangerous to the employees on account of poisonous fumes, dusts, and gases, shall, where practicable, be carried on in separate rooms and under cover of some suitable and sufficient device to remove the danger to the health of such employee, as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in any such process of manufacture, shall be thoroughly washed and cleaned at reasonable intervals.

SEC. 162. *Hoods and fans.*—All hoppers or chutes or similar devices used in the course of any process or manufacture referred to in section 2 of this act shall, where practicable, be provided with a hood or covering, and an adequate and sufficient apparatus or other proper device for the purpose of drawing away from the employees, noxious, poisonous or injurious dusts, and preventing the employees from coming into unnecessary contact therewith; and all conveyances or receptacles used for the transportation about or the storage in any place where any such process or manufacture referred to in section 2 of this act is carried on, shall be properly covered or dampened in such way as to protect the health of employees, and no refuse of a dangerous character incident to the work or process carried on in any such place shall be allowed to unnecessarily accumulate on the floors thereof.

SEC. 163. *Enforcement.*—It shall be the duty of the State department of factory inspection to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose such department and its inspectors are empowered to visit and inspect at all reasonable times all places of employment covered by the provisions of this act. In the enforcement of the provisions hereof the department of factory inspection shall give proper notice in regard to any violation of this act to any employer of labor in violating it, and directing the installment of any approved device, means or methods reasonably necessary, in his judgment, to protect the health of the employees therein, and such notice shall be written or printed and shall be signed officially by the chief State factory inspector or the assistant chief State factory inspector, and said notice may be served by delivering the same to the person upon whom service is to be had, or by leaving at his usual place of abode or business an exact copy thereof, or by sending a copy thereof to such person by registered mail, and upon receipt of such notice calling the attention of the employer to such violation, he shall immediately comply with all the provisions of this act.

SEC. 164. *Inspectors may give orders.*—If any occupational or industrial disease or illness or any disease or illness peculiar to the work or process carried on shall be found in any place of employment in this State by the inspectors of the State department of factory inspection, or called to their attention by the State board of health, which disease or illness shall be caused in whole or in part, in the opinion of the inspector, by a disregard by the employer of the provisions of this act, or a failure on the part of the employer to adopt reasonable appliances, devices, means or methods which are known to be reasonably adequate and sufficient to prevent the contraction or continuation of any such disease or illness, it shall be the duty of the department of factory inspection to immediately notify the employer in such place of employment, in the manner provided in section 12 of this act, to install adequate and approved appliances, devices, means or methods to prevent the contracting and continuance of any such disease or illness and to comply with all the provisions of this act.

SEC. 165. *Act to be posted.*—For the purpose of disseminating a general knowledge of the provisions of this act and of the dangers to the health of employees in any work or process covered by the provisions of this act, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the chief State factory inspector shall, upon request, have prepared a notice covering the salient features of this act, and furnish a reasonable number of copies thereof to employers in this State, covered by the provisions of this act, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible, and in addition to English they shall be printed in such other language or languages as may be necessary to make them intelligible to the employees.

SEC. 166. *Violations.*—[Penalty for the first offense is a fine, $10 to $100, and for subsequent offenses, $50 to $200.]

SEC. 167 (as amended 1923, p. 351). *Damages; compensations.*—(*a*) For any injury to the health of any employee proximately caused by any willful violation of section 1 of this act [sec. 153], or willful failure to comply with any of the provisions of section 1 of this act, a right of action shall accrue to the party whose health has been so injured, for any direct damages sustained thereby; and in case of the loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of such deceased person, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support upon such deceased person, for a like recovery of damages for the injury sustained by reason of such loss of life not to exceed the sum of ten thousand dollars: *Provided*, That every such action for damages in case of death shall be commenced within one year after the death of such employee.

(*b*) 1. If an employee is disabled or dies, and his disability or death is caused by an occupational disease arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this act [sec. 154], he or his dependents, as the case may be, shall be entitled to com-

pensation, in the same manner and subject to the same terms, conditions and limitations as are now or may hereafter be provided by the workmen's compensation act for accidental injuries sustained by employees arising out of and in the course of their employment; and for this purpose the disablement of an employee by reason of an occupational disease, arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this act, shall be treated as the happening of an accidental injury.

2. As used in this subdivision (*b*) of this section, the word "disability" means the state of being disabled from earning full wages at the work at which the employee was last employed by the employer from whom he claims compensation; the word "disablement" means the act of becoming disabled from earning full wages at the work at which the employee was last employed by the employer from whom he claims compensation; the words "occupational disease" mean a disease peculiar to and due to the nature of an employment in one or more of the occupations referred to in section 2 of this act [sec. 151]; and the word "occupations" means and includes each and every process, manufacture, employment, and process of manufacture or labor referred to in section 2 of this act.

3. The industrial commission shall have jurisdiction over the operation and administration of this subdivision (*b*) of this section; and it shall have, exercise, perform, and discharge the same rights, powers, and duties with reference to this subdivision (*b*) of this section as it shall have, exercise, perform, and discharge with reference to the workmen's compensation act, or any amendments thereto or modifications thereof. Notice of the disablement shall be given to the employer, and claim for compensation shall be made, in the same manner and within the same periods of time, respectively, as are now or may hereafter be provided in the workmen's compensation act concerning accidental injuries sustained by employees arising out of and in the course of their employment. Proceedings for compensation hereunder shall be had and maintained in the same manner as is now or may hereafter be provided by the workmen's compensation act with reference to proceedings for compensation for accidental injuries. The procedure and practice provided in the workmen's compensation act, and all amendments thereto and modifications thereof, shall apply to all proceedings hereunder.

4. This subdivision (*b*) of this section shall apply automatically and without election to all employees and employers engaged in the occupations referred to in section 2 of this act. No common law or statutory right to recover damages for injury or death sustained by any employee by reason of an occupational disease arising out of and in the course of his employment in one or more of the occupations referred to in section 2 of this act, other than the compensation herein provided, shall be available to any employee who is covered by the provisions of this subdivision (*b*) of this section, to any one wholly or partially dependent upon him, the legal representatives of his estate, or any one otherwise entitled to recover damages for such injury. The compensation herein provided, together with the provisions of this subdivision (*b*) of this section shall be the full, complete and only measure of responsibility of any employer engaged in any of the occupations referred to in section 2 of this act.

5. Any common law or statutory right of action to recover damages for injury to the health or death sustained by an employee in this State from an occupational disease prior to the taking effect hereof shall not be affected by this act and every such existing right of action is continued and nothing in this act shall be construed as limiting the right of such action so accrued before the taking effect of this act.

SEC. 168. *Construction.*—The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

CHAPTER 48.—*Protection of chauffeurs*

SECTION 175. *Shields.*—[Automobiles and auto trucks used for the delivery of merchandise or freight must have shields and hoods, so as to protect chauffeurs from wind, dust, and inclement weather.]

SEC. 176. *Violations.*—[Penalty of $50 is fixed for each day's violation.]

CHAPTER 48.—*Factory, etc., regulations—Wash rooms*

SECTION 184. *Who to provide wash rooms.*—Every owner or operator of a coal mine, steel mill, foundry, machine shop, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary wash room at a convenient place in or adjacent to such mine, mill, foundry, shop or other place of employment for the use of such employees.

SEC. 185 (as amended 1921, p. 445). *Equipment, etc.*—[Provision for changing clothing must be provided, with lockers and hangers, hot and cold water, showers, and heat in cold weather.]

SEC. 186. *Inspection.*—[State and county mine inspectors and factory and other inspectors of places of business must inspect such wash rooms and make needed suggestions for changes.]

SECS. 187, 188. *Violations.*—[Failure to comply entails a fine not to exceed $100, each day's neglect or refusal constituting a separate offense.]

The act is constitutional. People *v.* Solomon, 265 Ill. 28, 106 N. E. 458.

CHAPTER 52.—*Suits for wages—No property exempt*

SECTION 16. *Wage debts.*—[No personal property is exempt from attachment, etc., when the debt is for wages.]

SEC. 19. *Team.*—[If the use of horse and team are necessary to the performance of labor, the value of same shall be included in wages.]

CHAPTER 55a.—*Fire escapes on factories, etc.*

SECTION 1. *Fire escapes on certain buildings.*—* * * all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes attached to the outer walls thereof and extending from, or suitably near, the ground to the uppermost story thereof and provided with platforms of such forms and dimensions, and in such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe; the number, location, material, and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization and a board of county commissioners in counties not under township organization, except in villages, towns, and cities organized under any general or special law of this State such approval shall be had by the corporate authorities of such villages, towns, and cities: *Provided, however*, That all buildings more than two stories in height used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals, or asylums shall have at least one such fire escape for every fifty (50) persons for which working, sleeping, or living accommodations are provided above the second stories of said buildings; * * *

This act is constitutional. The power conferred upon the inspector is neither legislative nor judicial, but ministerial, and may properly be exercised. Arms *v.* Ayer, 192 Ill. 601, 61 N. E. 851.

CHAPTER 67.—*Exemption of wages from garnishment—Assignment of claims*

SECTION 14. *Amount.*—[$15 of an employee's earnings is exempt from garnishment on a showing that he is the head of a family with which he resides.]

SEC. 32. *Sending claim out of State.*—[Sending claim out of State for collection by proceedings in attachment, etc., with the intent to deprive resident debtors of their exemption rights under the laws of Illinois is forbidden.]

SEC. 34. *Nonresidents.*—[Nonresidents sued in the State in garnishment proceedings affecting wages earned outside the State shall have the rights secured to them by the laws of the State of their residence.]

SEC. 34a. *Outside earnings.*—[Wages earned and payable outside of the State are exempt from attachment in causes of action arising outside the State unless the defendant in the suit is personally served with process.]

CHAPTER 93.—*Mine regulations*

SECTION 1 (as amended 1923, p. 449). *Mining board.*—[The governor appoints a State mining board with power to pass on applicants for positions as inspectors, economic investigators, and as mine managers, hoisting engineers, and mine examiners. They are also to cause statistics of the industry to be collected. Terms are 2 years at $10 per diem for not over 100 days per year.]

SEC. 2 (as amended 1923, p. 451). *Applicants for certificates.*—[Proof of age, citizenship and experience and recommendations of character must be submitted, and suitable examinations passed for the various positions, showing practical and technical fitness.]

SEC. 3 (as amended 1923, p. 453). *Certificates.*—[Certified persons must be employed as managers, examiners, and hoisting engineers, with provisions to meet emergencies. Revocation for cause is provided for.]

SEC. 4. *Inspection districts.*—[The State is divided into 12 inspection districts.]

SEC. 5. *Inspectors.*—[The governor appoints from the list of eligibles an inspector for each district. A county inspector may be appointed locally from the list of persons holding certificates as mine managers.

Inspectors are to be supplied with anemometers, safety lamps, etc., and may enter any mine at all reasonable times. They are also sealers of weights and measures. They make annual reports.]

SEC. 6. *Salary.*—[Pay is $1,800 per annum, with expenses.]

SECS. 7, 8, 9 (as amended 1919, p. 656), 10 (as amended 1921, p. 512), 13, 14 (as amended 1919, p. 656), 15, 16, 18, 19 (as amended 1921, p. 512), 20 (as amended 1923, p. 449), 21 (as amended 1921, p. 512), 22, 23 (as amended 1923, p. 449), 24 (as amended 1921, p. 512), 25, 26, 27 (as amended 1919, p. 656), 28. *Safety, etc.*—[These sections as amended embody the mining laws of the State. Maps are required, exits, hoists, ventilation, blasting, lighting, signals, etc., regulated, the employment of a checkweighman authorized, etc. No boy under the age of 16, and no woman or girl of any age may work in or about any mine.]

SEC. 29 (as amended 1921, p. 512). *Violations.*—[Violations entail fines not to exceed $500 or imprisonment not over six months, or both; also liability for damages occasioned by such neglect.]

SEC. 30. [Definitions.]

SECS. 44 (as amended 1921, p. 568), 45–47c. *Shot firers.*—[The employment of shot firers is required where more than 2 pounds of powder are used in one blast, and in gaseous mines; the firing of shots is also regulated.]

SEC. 60. *Examinations of miners.*—[All examinations must be held in English and records be kept. Two years' practical experience is required, and 12 practical questions must be answered. Certificates are not transferable.]

SECS. 61–65, 66 (as amended 1923, p. 460), 67. *Fire protection.*—[These sections direct pipes to be provided, leading from a water supply so as to enable underground fires to be extinguished. Hose, automatic sprinklers in underground stables, or barrels of water with pails at hand, chemical extinguishers, and telephone communication are features provided for. Underground stables in mines must be of fireproof construction.]

SECS. 69–77. *Rescue stations.*—[Three rescue stations, one in each coal field, and their superintendence and operation are provided for.]

SECS. 79–82. *Black powder.*—[These sections establish specifications for black powder sold for blasting purposes.]

SECS. 84–92. *Permissible explosives.*—[The character, testing, making, etc., of explosives that may be sold for blasting in mines are regulated.]

CHAPTER 111a.—*Public utilities—Accidents to be reported*

SECTION 56. *Reports.*—[Every accident to or on the property of any public utility endangering the safety, health, or property of any person must be reported to the public utility commission; and if loss of life or limb occurred the report must be made by the speediest means of communication. The commission may investigate, but no proceedings may be used in any trial growing out of the accident.]

SEC. 57. *Safety.*—[The commission may after hearing, on its own motion or on complaint, make rules, orders, etc., governing the maintenance and operation of public utilities with regard to the safety of employees, passengers, and the public.]

CHAPTER 114.—*Railroads—Employees—Safety appliances*

SECTION 99. *Shelter for flagmen.*—* * * When any railroad company is required to keep a flagman at a crossing, it shall have the right to erect and maintain in the highway or street crossed a suitable house for the shelter of such flagman, the same to be so located as to create the least obstruction to the use of such street or highway, and afford the best view of the railroad track in each direction from such crossing.

SEC. 108. *Abandoning locomotive.*—If any locomotive engineer in furtherance of any combination or agreement, shall willfully and maliciously abandon his locomotive upon any railroad at any other point than the regular schedule destination of such locomotive, he shall be fined not less than twenty dollars nor more than one hundred dollars, and confined in the county jail not less than twenty days nor more than ninety days.

SEC. 109. *Intimidation, etc.*—If any person or persons shall willfully and maliciously, by any act or by means of intimidation, impede or obstuct, except by due process of law, the regular operation and conduct of the business of any railroad company or other corporation[,] firm or individual in this State, or of the regular running of any locomotive engine[,] freight or passenger train of any such company, or the labor and business of any such corporation, firm or individual he or they shall, on conviction thereof, be punished by a fine not less than twenty dollars ($20), nor more than two hundred dollars ($200), and confined in the county jail not less than twenty nor more than ninety days.

SEC. 110. *Combinations to obstruct.*—If two or more persons shall willfully and maliciously combine or conspire together to obstruct or impede by any act, or by means of intimidation, the regular operation and conduct of the business of any railroad company or any other corporation, firm or individual in this State, or to impede, hinder or obstruct, except by due process of law, the regular running of any locomotive engine[,] freight or passenger train on any railroad, or the labor or business of any such corporation, firm, or individual, such person shall, on conviction thereof, be punished by fine not less than twenty dollars ($20), nor more than two hundred dollars ($200), and confined in the county jail not less than twenty days, nor more than ninety days.

SEC. 111. *Act construed.*—This act, shall not be construed to apply to cases of persons voluntarily quitting the employment of any railroad company or such other corporation, firm or individual, whether by concert of action or otherwise, e[x]cept as is provided in section one (1) [sec. 108] of this act.

SEC. 309. *First-aid provisions.*—All railroads or the receiver or receivers of any railroad operating trains, in whole or in part, within the State of Illinois, shall provide a package containing the articles hereinafter stated, on each train or engine, for first aid to persons who may be injured in the course of the operation of such train or trains.

SEC. 310. *Contents of packages.*—Every such package shall include the following and such other articles and equipment as may in the judgment and discretion of the management of the railroad or the medical department thereof be useful for the intended purpose:

A standard package to contain two (2) pieces of sterile gauze, one (1) ribbon bandage, one (1) triangular cambric picture bandage in aseptic container, six (6) of these packages to make up one (1) first-aid kit.

SEC. 311. *Instruction.*—The chief surgeon, one of his assistants or other capable physician shall at reasonable intervals offer first-aid instruction to the engine and train men in his jurisdiction.

SEC. 312. *Violations.*—[Railroads violating the foregoing provisions are liable to a fine of $5 to $25 for each day's failure to comply; but 3 days are allowed for replacing a package after its use has been reported.]

CHAPTER 122.—*Employment of children—School attendance*

SECTION 274 (as amended 1919, p. 917). *Attendance required.*—[Attendance to the age of 16 is required for 7 months per year, unless (among other reasons) 14 years of age and necessarily and lawfully employed during school hours.]

CHAPTER 131a.—*Protection of employees on street railways*

SECTIONS 8, 9. *Vestibules.*—[Street cars other than trail cars must have a screen or vestibule so as to fully protect the motorman or driver during the months of November to March, inclusive.]

ACTS OF 1919

Rehabilitation of physically handicapped persons

(Page 534)

SECTION 1. *Rehabilitation directed.*—It shall be the duty of the department of public welfare to direct, as hereinafter provided, the rehabilitation of every physically handicapped person, sixteen (16) years of age or over, residing in the State of Illinois.

"A physically handicapped person" shall mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, incapacitated for remunerative occupation.

"Rehabilitation" shall mean the rendering of a person physically handicapped, fit to engage in a remunerative occupation.

"Persons residing in the State of Illinois" shall mean any person who is and has been domiciled within the State for one year or more.

This act, however, shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind persons under the care of the State, or to deaf persons under the care of the State, or to any epileptic or feeble-minded person, or to any person who may, in the judgment of the department of public welfare, not be susceptible of such rehabilitation.

SEC. 2. *Methods.*—The department of public welfare shall have power, and it shall be its duty;

(a) To establish relations with all public and private hospitals to receive prompt and complete reports of any persons under treatment in such hospitals for any injury or disease that may permanently impair their earning capacity. The persons thus reported shall be visited by representatives of the department of public welfare, who shall make records of their condition and report to the department of public welfare. The department of public welfare shall then determine whether the person is susceptible of rehabilitation. Such persons as may be found so susceptible shall be acquainted by the department of public welfare with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any person who chooses to take advantage of these rehabilitation facilities shall be registered with the department of public welfare, and a record shall be kept of every such person and the measures taken for his or her rehabilitation. The department of public welfare shall offer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(b) To arrange with the department of labor to receive reports of all cases of injuries received by employees in the course of employment which may result in permanent disability. The persons thus known to be injured shall be visited, examined, registered and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(c) To receive applications of any physically handicapped persons residing within the State for advice and assistance regarding their rehabilitation. The persons thus known to be physically handicapped shall be visited, examined and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(d) To make a survey to ascertain the number and condition of physically handicapped persons within the State. The persons thus known to be physically handicapped shall be visited, examined, registered and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(e) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped person registered with the department of public welfare.

(f) To procure and furnish at cost to physically handicapped persons registered with the department of public welfare, artificial limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments.

(g) To establish, equip, maintain and operate in one of the large cities in the State, a school of rehabilitation, and to establish, equip, maintain and operate branches of the school at such other places as may in the judgment of the department of public welfare be necessary. There shall be provided at the school and its branches courses of training in selected occupation for

physically handicapped persons registered with the department of public welfare whose physical condition may, in the judgment of the department of public welfare, require special courses of training to render them fit to engage in remunerative employment and who are assigned by the department of public welfare to the school or to any of its branches for the purposes of such special training.

The department of public welfare shall make the necessary rules for the proper conduct and management of the school and its branches; shall have control and care of the building and grounds used by the State for the school and its branches, and shall prescribe the course and methods of training to be given at the school and its branches.

(h) To arrange with the State and local school authorities for training courses in the public schools of the State in selected occupations for physically handicapped persons registered with the department of public welfare.

(i) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the department of public welfare.

(j) To arrange with any public or private organization or commercial, industrial or agricultural establishment for training courses in selected occupations for physically handicapped persons registered with the department of public welfare.

(k) To provide for the maintenance, during the prescribed period of training, of physically handicapped persons registered with the department of public welfare: *Provided*, That the cost of such maintenance shall not exceed ten dollars ($10) per week for twenty weeks unless an extension of time is granted by the department of public welfare.

(l) To arrange for social service to and for the visiting of physically handicapped persons registered with the department of public welfare and their families in their homes during the period of treatment and training and after its completion, and to give advice regarding any matter that may effect rehabilitation.

(m) To cooperate with the department of labor in the placement in remunerative employment of physically handicapped persons registered with the department of public welfare.

(n) To conduct investigations and surveys of the several industries located in the State to ascertain the occupations within each industry in which physically handicapped persons can enter upon remunerative employment under favorable conditions and work with normal effectiveness, and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(o) To make such studies and reports as may be helpful for the operation of this act.

(p) To keep the people of the State informed regarding the operation of this act.

(q) To cooperate with any department of the Federal or State Government or with any private agency in the operation of this act.

(r) *Provided, however*, That no person shall be subject to this act or to any of its provisions, and shall not be examined, registered, or advised unless such person first elects to take advantage of the privileges afforded by this act and to come under its terms and conditions.

SEC. 3. *Enforcement.*—The department of public welfare, subject to the provisions of civil service law, which is now or which hereafter may be in force in this State, shall employ such persons as may be necessary for the enforcement of the provisions of this act, and shall prescribe their duties, compensation, and terms of employment.

SEC. 4. *Rules.*—The department of public welfare shall promulgate reasonable rules and regulations relating to the enforcement of the provisions of this act.

Stock for employees of corporations

(Page 316)

SECTION 32a (added 1923, p. 282). *Authorization.*—[Corporations for pecuniary profit are authorized to issue and sell stock to employees under terms and conditions fixed by the stockholders.]

ACTS OF 1921

Labor disputes—Extortion

(Page 401)

SECTION 1. *Obtaining money.*—It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent, any organization, association, or group of workmen or workwomen, to extort or attempt to extort, demand, accept or obtain, or attempt to obtain, from any employer, property owner or property lessee, or from the agent or representative of any of them, money or other property as a consideration for the withholding, withdrawing, settling or terminating of any demand, claim, dispute or controversy relating to the employment of such workmen or workwomen or relating to the handling, delivery or use of materials or supplies.

SEC. 2. *Forcing payment.*—It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent, any organization, association, or group of workmen or workwomen, to induce or compel, or attempt to induce or compel, an employer, property owner or property lessee, or from the agent or representative of any of them, to pay money or other property as a consideration for withholding, withdrawing, settling or terminating any demand, claim, dispute or controversy relating to the employment of such workmen or workwomen, or relating to the handling, delivery or use of materials or supplies.

SEC. 3. *Collecting fines.*—It shall be unlawful for any person by virtue of representing, or under color of representing, or pretending to represent, any organization, association, or group of workmen or workwomen, to demand, collect or attempt to collect from any employer, property owner or property lessee, or from the agent or representatives of any of them, any money or other property by way of a fine or penalty, or to impose, enforce or attempt to enforce any such fine or penalty.

SEC. 4. *Giving evidence.*—No person shall be excused from attending, testifying and producing any books, papers, documents or other evidence in obedience to a subpœna served at the instance of the Attorney General or of the State's attorney before any court, magistrate or grand jury, upon any investigation, proceeding or trial for a violation of the provisions of this act, upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, in obedience to a subpœna served at the instance of the Attorney General or of the State's attorney except for perjury committed in such testimony.

SEC. 5. *Violations.*—Any person violating this act shall be imprisoned in the penitentiary not less than one year nor more than five years.

Metal mine regulations

(Page 525)

SECTIONS 1–48. *Code.*—[This act creates the office of inspector of mines other than coal and enacts a code of regulations for such mines. Inspection, safety provisions, accident reporting, the employment of minors, and penalties for violation are included in the act, which is worked out in detail corresponding generally to the provisions for coal mines, so far as apt.]

Mine regulations—Electricity

(Page 568)

SECTIONS 1–3. *Safety.*—[This act, with two sections added (1923, p. 464), requires transformer rooms to be fireproof and the guarding of curtains, etc., from ignition, limits the voltage of exposed wires, prescribes requirements for guarding, and directs that maps show certain installations. Sand to extinguish fires must be provided.]

INDIANA

CONSTITUTION

ARTICLE 1. *Compensation for services*

SECTION 66. *Compensation.*—No man's particular services shall be demanded without just compensation. * * *

BURNS' ANNOTATED STATUTES—1914

Exemption of wages from garnishment

SECTION 993. *Suits of nonresidents for wages.*—Hereafter no court in this State shall have or entertain jurisdiction in any action of attachment, garnishment, or supplementary proceeding when the plaintiff and principal defendant are both nonresidents of this State, and the money sought to be reached by such attachment, garnishment, or supplementary proceedings is the personal earnings or wages due or owing to the principal defendant from any person or corporation doing business in this State.

SEC. 994. *Wages exempt, when.*—The wages of all householders in the employ of any person or corporation shall be exempt from garnishment and proceedings supplemental to execution in the hands of such person or corporation so long as such employee remains in such employment, not exceeding twenty-five dollars at any one time, and no exemption shall be allowed as against garnishment except as in this section provided.

SEC. 995.—*Garnishee may pay exempted wages.*—Any person or corporation in debt for wages, as in the preceding section provided, may, at any time after being served with a garnishee summons, pay to any such employee the amount of wages exempted by the preceding section; and such payment shall discharge such garnishee defendant from liability for the amount so paid, as effectually as if paid before the issuing of such summons.

Protection of employees as voters

SECTION 2578. *Making threats, etc.*—Whoever, for the purpose of influencing a voter, seeks, by violence or threats of violence or threats to enforce the payment of a debt; or to eject or threatens to eject from any house he may occupy; or begin a criminal prosecution; or to injure the business or trade of an elector; or, if an employer of laborers or an agent of such employer, threatens to withhold the wages of or to dismiss from service any laborer in his employment; or refuses to allow to any such employee time to attend at the place of election and vote, shall be fined not more than one thousand dollars nor less than twenty dollars, imprisoned in the State prison not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any determinate period.

Employment of children—Certain employments forbidden

SECTION 2623. *Children under 15.*—[Parents, etc., of children under 15 are forbidden to hire or dispose of them in acrobatic, riding, gymnastic or similar occupations, or in any illegal exhibition or any vocation injurious to health or dangerous to life or limb, under penalty: employers are also penalized.]

SEC. 2624. *Children under 18.*—[The employment of children under 18 in mendicant occupations, such as street musicians, etc., is prohibited.]

Seats for female employees

SECTIONS 2628, 2629. *Seats required.*—[All employers of women and girls are required under penalty to "provide suitable seats" for their use "when they are not necessarily engaged in the active duties" of their employment.]

Exemption of wages—Unlawful assignment of claims

SECTION 2669. *Assignments, transfer, etc.*—[Selling, transferring, purchasing, or accepting any claim for collection by attachment or garnishment out of the wages of the debtor, a citizen of the State, with the intent to deprive a resident of the State of his or her exemption rights under the laws of the State, when the parties are within the jurisdiction of the courts of the State, subjects the offender to a fine, and he is also liable for the full amount of the debt collected, with interest and attorney's fee.]

Forced contributions from employees

SECTION 2681. *Exacting contributions.*—It shall be unlawful for any railroad company or corporation operating railroads in Indiana to exact from its employees, without first obtaining written consent thereto in each and every instance, any portion of their wages for the maintenance of any hospital, reading room, library, gymnasium or restaurant.

SEC. 2682. *Penalty.*—Any paymaster, auditor or employee of any company so exacting from its employees such sums of money shall, upon conviction thereof in any circuit court having competent jurisdiction, be fined not less than one hundred dollars nor more than five hundred dollars, as the court may decree.

Although withholding wages without the consent of the employee is an illegal act, it does not absolve a company from its contract to supply hospital treatment to an injured employee whose wages have thus been withheld, nor from its liability in damages for the malpractice of a surgeon employed by it. 52 N. E. Rep. 152.

Railroad employees—Clearance cards—False charges

SECTION 2683a. *Statement to be furnished.*—Whenever any employee of any railroad company doing business in this State shall be discharged or voluntarily quits the service of such company it shall be the duty of the officer having jurisdiction over such employee upon request of such employee to issue such employee a letter duly signed by such officer setting forth the nature and character of service rendered by such employee to such railroad company and the duration thereof, and truly stating for what cause, if any, such employee has quit or been discharged from such service.

SEC. 2683b. *Refusal.*—Any officer having jurisdiction over employees referred to in section 1 [2683a] of this act failing or refusing to issue such letter to such employee when so requested by the employee, failing or refusing to state the facts correctly, shall be deemed guilty of a misdemeanor and shall be punished by a fine in any sum not to exceed one hundred dollars ($100).

SEC. 2683c. *False charges.*—Every person who shall by any letter, mark, sign, or designation whatever, or by any verbal statement, falsely and without probable cause report to any railroad or any other company or corporation, or to any person or firm, or to any of the officers, servants, agents, or employees of any such corporation, person, or firm that any conductor, brakeman, engineer, fireman, station agent, or an employee of such railroad company, corporation, person, or firm has received any money or thing of value for the transportation of persons or property or for other service for which he has not accounted to such corporation, person, or firm, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent, or other employee of any such railroad company, corporation, person, or firm, neglected, failed, or refused to collect any money or ticket for transportation of persons or property or other service when it was their duty so to do, shall on conviction be adjudged guilty of a misdemeanor and shall be fined in any sum not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

Wages as preferred claims—In administration

SECTION 2901. *Amount.*—[Wages not over $50, earned within two months prior to the death of the employer, have preference over general debts and legacies.]

Fire escapes on factories, etc.

SECTION 3841. *Provisions required.*—* * * Every building in which persons are employed above the second story in a factory, workshop, or mercantile, or

other establishment, * * * and every factory, workshop, mercantile, or other establishment of more than two stories in height shall be provided with proper ways of egress or means of escape from fire, sufficient for the use of all persons * * * employed, * * * in such buildings, and such ways of egress and means of escape shall be kept free from obstruction, in good repair, and ready for use at all times, and all rooms above the second story in such building shall be provided with more than one way of egress or escape from fire, placed as near as practicable at opposite ends of the room and leading to fire escape[s] on the outside of such building or to stairways on the inside, provided with proper railings. All outside doors subject to the provisions of this section shall open outward, and all windows open outward or upward. * * * The certificate of the fire chief of the city where said building is located, certifying that the provisions of this act have been complied with, shall be prima facie evidence of a compliance with such requirements.

Secs. 3842, 3843. *Additional provisions.*—[Other fire escapes, constructed according to specifications issued by the State department of inspection, must be provided on buildings of the classes named above if more than two stories in height, unless deemed by the fire chief to be unnecessary on account of adequate provisions already made. Escapes must be accessible, and trees, telegraph poles, signs, etc., must not interfere with the use of the same. Types of construction are established, but other types may be used if approved by the chief inspector. The location of escapes and of windows and doors giving access thereto is prescribed, and must be as far as possible from stairways, elevator shafts, etc.]

Protection of employees on buildings

Section 3862a. *Dangerous occupations.*—Every employer or person managing or conducting any business or work or plant in the State of Indiana of the character mentioned in this act is, for the purposes of this act, conducting a dangerous occupation at the time of such occurrence and subject to the provisions of this act.

Sec. 3862b. *Flooring, staging, etc.*—It shall be unlawful for any person, firm, or corporation engaged in erecting or having erected any building or structure three stories or more in height to begin the erection of any floor or story above the second story or floor from the ground or excavation until a flooring, staging, or protection shall have been laid or placed on the second tier of beams or story from the excavation or ground level or to continue the erection or construction of such building more than two stories or tier of beams above such flooring or protection. Flooring, staging, or protection shall at all times be laid and maintained to within the second story or floor below where workmen are engaged, and in no instance shall workmen be employed more than twenty-five feet above any flooring, staging, or protection. Such floorings, staging, and protections shall be so constructed and of such strength as will prevent the falling of materials or injury to workmen. All persons engaged in work or labor on buildings and other structures shall be protected from falling materials from above them by adequate floorings, stagings, or other protections. It shall be the duty of owners, contractors, and subcontractors to see and require that the provisions of this act are complied with.

Sec. 3862c. *Staging or scaffolding.*—In the construction of any steel, iron, frame or other building having a clear story of twenty-five feet elevation, from the ground or excavation, a staging or scaffolding with closed plank flooring shall be placed under the whole extent of beams, girders, trusses or joists of such story upon which structural-iron workers, carpenters, masons, or other persons are working, and not more than ten feet below the under side of such beams, girders, trusses or joists. In erecting, constructing, or repairing any wall, chimney, smokestack, tower, cupola, bridge, framework, dome, arch, water pipe, standpipe, tank, pole, staff, coal bunker, roof, dwelling or structure of any kind whatever thirty feet or more in height, where there are no well-defined stories, sections, girders, joists, beams or trusses, crossing or intersecting the same where the employees are working, there shall be staging or scaffolding placed not more than ten feet below where the masons, carpenters, structural-iron workers, or other employees are working on such building, walls, or structures aforesaid, such staging or scaffolding shall be placed and maintained in such

manner as to prevent the falling through of such employees or materials, and in such manner that workmen and others having a right to pass under or along or near such structure shall not be injured by the falling of any materials or any workmen. Whenever workmen are employed and are working on any such structures, and are using or working on any staging or scaffolding, swing, hammock or similar contrivance, it shall be the duty of the owner of such structure and all contractors, subcontractors, and employers to maintain, at all times that workmen are employed thereon, railings or other devices to make such staging, scaffolding, hammocks, or other devices safe, and if men are working over and above to keep and maintain a second scaffolding or other device above the one upon which such workmen are employed, so as to prevent any workman from being injured by falling objects from above.

SEC. 3862d. *Inspection of appliances.*—It is hereby made the duty of all owners, contractors, subcontractors, corporations, agents, or persons whatsoever engaged in the care, operation, management, construction, erection, repair, alteration, removal, painting, handling, or selling of any building, bridge, viaduct, shop, factory, or business of whatsoever kind, or in the erection, repair, or operation, or management of any machinery, mechanism, or contrivance, or in the transmission, generation, or use of any electricity or other power, or in the manufacture, operation, preparation, transportation, production, marketing, or use of any dangerous or other appliances, substance, commodity, or article, to see and require that all metal, wood, rope, chains, wires, elevators, gates, gutta-percha, minerals, chemicals, explosives, machinery, appliances, ways, works, plants, tools, all contrivances, and everything whatsoever used therein are carefully selected, inspected, and tested, so as to detect and exclude defects and dangerous conditions; and that all scaffolding, staging, hoists, elevators, false work, or temporary or permanent structures, machinery, appliances, tools, mechanisms, and all contrivances used are amply, adequately, and properly constructed to bear all weight and adapted to and perform the services and meet the requirements for which they are designed or used with safety; and that they are properly and safely used, operated, handled, and maintained, and that all staging and scaffolding more than 20 feet from the ground are made safe and secure from swaying and provided with safeguards so as to prevent the falling of workmen; and that all dangerous machinery, mechanism, contrivances, tools, hoists, elevators, and cars are securely fenced, guarded, covered, or otherwise protected with safety arrangements and appliances to the fullest extent possible that the operations of such machinery, hoists, elevators, and other devices and contrivances shall permit, and that all shafts, openings, wells, stairways, floor openings, and similar places or conditions of danger, are enclosed and protected, and that all hoists, machinery, or mechanism operated other than by hand power, are, when necessary for the safety of persons employed in or about the same, or for the safety of the general public, provided with a system of communication by means of signals or otherwise, so that at all times there may be prompt and efficient communications between the employees and other persons and the operator of the motive power, and that in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or any employees of the owner, contractor, or subcontractor, transmitting or using said electricity, are liable to come into contact with the wire or wires, and that dead wires are not mingled with live wires, nor to be strung upon the same support, and the arms or supports bearing live wires are especially designated and distinguished by a color or other designation which is instantly apparent, and that live electrical wires carrying a dangerous voltage are strung at such distance from the poles or supports as to permit repair men to freely engage in their work without danger of shock; and, generally, it shall be the duty of all owners, managers, operators, contractors, subcontractors, and all other persons having charge of, or responsible for, any work, mechanism, machinery, appliance, building, factory, plants, means, employment, or business of whatsoever nature, involving risk or danger to employees, or to the public, to use every device, care and precaution which it is practicable and possible to use for the protection and safety of life, limb, and health, limited only by the necessity for preserving the reasonable efficiency of such structure, ways, work, plant, building, factory, elevator, cars, engines, machinery, appliances, apparatus, or other devices or materials, without regard to additional cost of suitable materials or safety appliances, or safe conditions, or operations, the first concern being safety to life, limb and health.

SEC. 3862e. *Violations.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten dollars and not more than five hundred dollars for each violation thereof.

[The following act was made a supplement to the foregoing by chapter 167, Acts of 1919:]

SECTION 1. *Enforcement of law.*—From and after the passage of this act, it shall be and is hereby the duty of the building inspector of every city, if there be a building inspector, and if there be no building inspector then of the mayor, and of the township trustee of every township, the board of trustees of every town and the board of commissioners of every county, to inspect or have inspected any building, or anything attached thereto, located therein, or connected therewith, which is in the course of erection or repair as defined and set forth in the provisions of this act [secs. 3862a–3862e], to ascertain whether or not the provisions of this act have been, or are being complied with. If it appears upon such inspection that the building or anything attached thereto, or located therein, or connected therewith, is being constructed, erected, or repaired, contrary to and in violation of the provisions of this act or of the act to which this act is supplemental, such officer, so charged with the duty of inspecting said building, as aforesaid, shall order the same to be remedied and the provisions of this act complied with, and if such notification be not complied with within reasonable time, he shall prosecute whoever may be responsible for such delinquency and violation.

SEC. 2. *Effect of act.*—Nothing contained in the provisions of this act shall affect, amend, repeal, or alter in any way the present inspection or dangerous occupation laws of this State, except as herein set forth, but this act shall be deemed additional and supplemental thereto.

Boycotting

SECTION 3884. *Combinations to boycott.*—Any person, firm or association of persons who shall make any contract or enter into any agreement or make any combination or enter into any arrangement, directly or indirectly, to induce, procure or prevent any wholesale or retail dealer in or manufacturer of merchandise or of supplies or of material or article intended for trade or used by any mechanic, artisan or dealer in the prosecution of his business from selling such supplies to any dealer or to any mechanic or artisan; and any dealer in or manufacturer of such supplies or material or article of trade or supplies or material to be used by any mechanic, artisan or dealer who shall be a party, directly or indirectly, to any such contract, combination or arrangement, or who shall upon the request of any party to any such contract, combination or arrangement refuse to sell such articles of trade, supplies or materials, or articles sold by any dealer or used by any mechanic, or artisan, to any such person or persons who may require them in the prosecution of their said business, for the reason that said dealer, mechanic or artisan is not a member of a combination or association of persons, shall be guilty of conspiracy against trade. And all such contracts, agreements, combinations or arrangements shall be void and of no effect whatever in law.

SEC. 3885. *Violations.*—[Violations of the preceding section are punishable by a fine or not less than $50 nor more than $2,000, to which may be added imprisonment for any period not exceeding one year.]

SEC. 3886. *Forfeiture.*—Each and every person, firm, or association of persons who shall in any manner violate the provisions of this act shall, for each and every day that such violation shall be committed and continued after due notice given by the party interested [to the] attorney general or prosecuting attorney, forfeit and pay the sum of fifty dollars, which may be recovered in the name of the State on the relation of the party injured or on the relation of the prosecuting attorney in any county where the offense is committed or where the offender or offenders reside. And it shall be the duty of the prosecuting attorney of any county to prosecute any such action, and he shall be entitled to a fee of twenty-five dollars to be taxed against the defendant, in the event of recovery, as a part of the costs of said action. Any such action may be taken in any circuit or superior court of the county in which the defendant resides or in which he is engaged in business.

SEC. 3887. *Damages.*—Any person who shall by any such contract or combination as set out in section 1 of this act [sec. 3884], be injured or damaged in his business thereby, or by reason of anything forbidden or declared by this

act to be unlawful, may maintain a suit therefor in any court having jurisdiction thereof in the county where the defendant resides or in which he is engaged in business, or in any county where service may be obtained, without respect to the amount in controversy, and the plaintiff in any such action shall be entitled to recover all his costs and a reasonable attorney's fee therein.

Railroads—Safety appliances—Employees—Inspection

SECTION 5259a. *Equipment required.*—[All main line water cranes or water spouts must be equipped with self-locking devices, to be approved by the railroad commission of the State, and must be kept in good repair and in locked position when not in use, in such manner that said cranes or spouts shall not endanger or imperil the lives of any person or persons on or about any engines, trains, or cars, who have a lawful right to be therein or thereon.]

SEC. 5259b. *Violations.*—[Violations incur fine of $25, each day's continued violation constituting a separate offense.]

SEC. 5261a. *Who must know flagging rules.*—It shall be unlawful for any steam railroad company doing business in the State of Indiana to permit any foreman or person having charge of section men employed for the purpose of building, constructing, and repairing railroad tracks to operate with such section men outside of yard limits, without such foreman or person having two men in such section who are capable of passing the examination of flagging rules of such company.

SEC. 5261b. *Violations.*—If any person shall knowingly engage, require, persuade, prevail upon, or cause any foreman or person to violate section 1 of this act [sec. 5261a] he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

SEC. 5288. *Overhead bridges, etc.*—[No overhead bridge or viaduct or other structure over the track of a steam railroad operating freight trains may have a height of less than 21 feet above the top of the rails, without securing permission of the State railroad commission. This does not apply to bridges, etc., within the limits of cities and incorporated towns.]

SEC. 5289. *Structures near tracks.*—[All structures or buildings must be at least seven feet from the center of any railroad track, unless with the permission of the railroad commission of the State.]

SEC. 5290. *Violations.*—[Violations of the provisions of section 5289, after sixty days' notice, shall be subject to penalty of $500 for each case.]

SEC. 5291. *Liability.*—[Employees of such common carrier who may be injured or killed on account of any of the structures forbidden in sections 5288 and 5289 shall not be deemed to have assumed the risk, though continuing in the employment after the maintenance of such structures had been brought to his knowledge. Nor shall an employee be held to have contributed to his injury in a case where the carrier shall have violated any of the provisions of said sections, when such violation contributed to the death or injury.]

SEC. 5296a. *Experience of engineers.*—If any person shall operate any locomotive engine, upon any railroad in the State of Indiana which is more than twenty-five miles in length, without for two years prior thereto having worked or served as a fireman or engineer on a locomotive engine, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day he so operates such engine shall constitute a separate offense: *Provided*, That any person who for part of said two years has worked or served as a fireman on a locomotive engine and for the remainder of such period has worked or served as an engineer on such a locomotive engine shall be deemed to possess the qualifications required by this act to operate a locomotive engine.

SEC. 5296b. *Conductors.*—If any person shall act or serve as a conductor on a railroad train upon any railroad in the State of Indiana, which is more than twenty-five miles in length, without for two years prior thereto having worked or served as a brakeman or conductor on a railroad train, he shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, and each day he so acts or serves shall constitute a separate offense: *Provided*, That any person who for part of said period of two years has worked or served as a brakeman on a railroad train and for the remainder of such period has worked or served as a conductor on such a train shall be deemed to possess the qualifications required by this act to serve or act as such a conductor.

SEC. 5296c. *Causing violations.*—Any person who shall knowingly employ, engage, promote, require, persuade, prevail upon, or cause any person to do any act in violation of the provisions of either of the two preceding sections of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 5296d. *Violations by employers.*—[Violations of the provisions of this act, by employers, shall be subject to a fine of not less than $10 nor more than $100, each day to constitute a separate offense.]

SEC. 5296e. *Exemptions.*—Nothing in this act shall be construed as applying to the running or operating of engines in taking engines to or from trains at divisional terminals by engine hostlers, or the shifting of cars or making up trains, or doing any work appurtenant thereto at any engine houses, train or freight yards by switchman or yardman, or in case of the disability of a qualified engineer or conductor, while out on the road between division terminals, or in case of strike where such companies can not obtain employees mentioned in this act who have the qualifications prescribed by the provisions thereof, then such companies may employ temporary firemen, engineers and conductors who have not the qualifications prescribed by this act, but no such employment shall continue longer than such companies can supply their respective places with men who have the qualifications prescribed by this act: *And, provided further*, That nothing herein contained shall relieve any such companies from the negligence of any of its employees.

SEC. 5296f. *To whom applicable.*—The provisions of this act shall apply to any person, firm, corporation, lessee, or receiver who, or which, operates in the State of Indiana a steam railroad more than twenty-five miles in length.

SEC. 5296g. *Enforcement.*—It shall be the duty of the railroad commission of the State of Indiana, to enforce the provisions of this act.

SEC. 5296h. *Knowledge of English language, etc.*—No engineer, fireman, engine foreman or hostler, engine watcher or trainman in any capacity shall run or operate nor shall he be employed in the running or operation of any locomotive engine or railway train, on the main lines, sidings, switches, or yard tracks of any railroad company operating a line or lines of railroad within or through the State of Indiana, unless such engineer, fireman, hostler, or engine foreman, engine watcher, or railway trainman shall be able then and there to write, read and speak, hear and understand the English language, and hear, see, and understand the necessary signals required by the book of rules governing the railroad company's operation of its locomotive engines and trains in this State.

SEC. 5296i. *Violations.*—[Any railroad company, its agents or officers, violating any part of this act shall, on conviction, be fined not less than $100 nor more than $200 for each and every day such violation continues.]

SECS. 5296j, 5296k. *Detour runs.*—[The employment of a pilot engineer, conductor, motorman, or similar responsible person acquainted with the road or roads over which any car or train is run is required when detours from the tracks of the operating company are necessary; the company over whose tracks the detour is made to furnish such employee.]

SEC. 5296l. *Trainmen to be regular employees.*—It shall be unlawful for any railroad company doing business in the State of Indiana that operates trains over its road to allow any person to fill the position of an engineer, fireman, conductor, baggagemaster, brakeman, or flagman unless regularly employed as such: *Provided*, That nothing in this act shall prevent any railroad company from using any person in case of injury or sickness occurring between terminals to any engineer, fireman, conductor, baggagemaster, brakeman, or flagman.

SEC. 5296m. *Violations.*—[Penalty for violation is a fine, $50 to $100, the company to be liable in damages for injuries due to such violation.]

SEC. 5296n. *Enforcement.*—It shall be the duty of the railroad commission to enforce the provisions of this act.

SEC. 5299. *Rules to be published.*—Every person, firm, or corporation operating trains by steam power on railroads in this State shall publish printed rules for the control and operation of such trains and shall deliver copies thereof to all persons engaged in the operation of such trains and file a copy thereof with the railroad commission of Indiana, and shall instruct such employees in the application of such rules and examine such employees thereon at least once in each six months after employment until the service has continued for eighteen months and annually thereafter. Any person, firm, or

corporation failing to observe the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, for each offense, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

SEC. 5300. *Accident prevention.*—[The railroad commission is authorized to call conventions of division superintendents and others interested to consider the reports of accidents on railroads with a view to taking steps for their prevention.]

SEC. 5302. *Reports of certain accidents.*—Whenever the railroad commission of Indiana, in the investigation of any accident involving loss of life, shall come to the conclusion that the accident occurred on account of the violation of the printed rules for the operation of trains, as required by section one of this act, by any officer or employee of any railroad company operated by steam power in this State, the commission may, if it deems best so to do, and the neglect of duty or violation of the rules is flagrant or has been brought about by the intoxication of any person while on duty, report such person to the prosecuting attorney of the county wherein the accident occurred for prosecution under the criminal laws of this State.

SEC. 5303. *Posting.*—[Secs. 5299–5302 must be printed and posted in conspicuous places.]

SEC. 5308. *Contracts waiving rights.*—No railroad company now existing, or hereafter created, under and by virtue of the laws of this State or any other State or country, and having and operating a line of railway in this State, may establish or maintain, or assist in establishing or maintaining any relief association or society, the rules or by-laws of which shall require of any person or employee becoming a member thereof to enter into a contract, agreement or stipulation, directly or indirectly, whereby such person or employee shall stipulate, or agree to surrender or waive any right of damage against any railroad company for personal injuries or death, or whereby such person or employee agrees to surrender or waive, in case he asserts such claim for damages, any right whatever, and any such agreement or contract, so signed by such person shall be null and void.

SECS. 5316d–5316f. *First aid.*—[All trains, passenger and freight, must carry at least one medical emergency case containing two gauze bandages, two triangular pieces of gauze 18 inches wide and one pound of absorbent cotton.]

SECS. 5316g, 5316h. *Use of pushing engine.*—[The running of trains with a locomotive at each end is forbidden except when necessary to start a train or to move it up a steep grade or around a sharp curve and it is customary to detach the pushing engine when the grade or curve is passed.]

SECS. 5533g, 5533h. *Trolley cars running on steam roads.*—[The railroad commission may require under penalty that a flagman accompany any trolley or motor car or cars running on the tracks of a steam road.]

SEC. 5553. *Accident reports.*—[Railroads must report as soon as possible accidents causing loss of life or serious injury to passengers or employees, and make full report within 20 days as to the cause. The commission shall investigate, the company to furnish information relative to the accident, but such information shall not be used in any suit for damages arising out of the accident. Recommendations for avoiding recurrence shall be made, and if not complied with in a reasonable time, the commission may, if it deems best, publish the same in State or local newspapers.]

Protection of employees on street railways

SECTIONS 5705, 5706. *Screening vestibules.*—[The front end of cars must be screened during November, December, January, February, and March, so as to protect motormen, etc., from wind and storm.]

Railroads—Wires crossing tracks

SECTION 5788a. *Height.*—[Telephone and telegraph wires crossing railroads or street or interurban railways must be at least 25 feet above the surface of the rails. Secure poles and braces are also prescribed. Trolley feed wires crossing railroad tracks must be 22 feet above the tracks.]

Private employment offices

SECTION 7131a. *License.*—[License must be procured from the chief of bureau of statistics. No advertisement similar to name, "Indiana Public Free Em-

ployment Bureau" is permitted. All advertisements, etc., must contain the words, "Licensed employment agency." A bond of $1,000 is required, conditioned on compliance with law.]

Sec. 7131b. *Fee.*—[A license fee of $25 is required.]

Sec. 7131c. *Registers, etc.*—[Registers of applicants for positions and for employees must be kept. Monthly reports are to be made, showing also results of operations. Registers must always be open to inspection.]

Sec. 7131d (as amended 1921, ch. 108). *Fees.*—[Registration fee may not exceed 10 per cent of "first month's wage or portion thereof," for which receipt must be given, setting forth name, date, and character of work procured, fee to be returned on demand, if no position is procured; but if the employee abandons employment without cause, no return of fee can be demanded. No fee is allowed without bona fide order for employment or work. Teachers' agencies and professional bureaus are exempt from the provisions of this section, and approved charitable and benevolent organizations from the act, except that they must secure a permit.]

Secs. 7131e-7131h. *Violations.*—[Penalties are fixed for violations; fees paid to the State are to be used for public employment service.]

Sec. 7131g. *Acts forbidden.*—[Sending persons to places of bad repute, procuring discharges for purpose of securing positions for applicants, sending residents outside the State without bona fide order or guaranty of employment, or publishing false information or making false entries are forbidden. Violations are punishable by forfeiture of license.]

Wages as preferred claims—In assignments, executions, etc.

Section 7976 (as amended 1917, ch. 109). *Amount.*—[Where the property of an employer is seized on process of court or is assigned, debts of laborers and employees for work or labor during six months preceding, in an amount not exceeding $50 each, shall be preferred and shall first be paid in full, or pro rata if there be insufficient funds to pay in full after paying costs. The term "employees" includes traveling salesmen, traveling agents and manufacturers' agents.]

Hours of labor

Section 7977. *Eight hours a day's work.*—Eight hours shall constitute a legal day's work for all classes of mechanics, workingmen and laborers, excepting those engaged in agricultural or domestic labor, but overwork for an extra compensation by agreement between employer and employee is hereby permitted.

This act applies only to laborers employed by the day, and is not applicable where the circumstances under which the employment is taken imply that more than eight hours' labor will be expected in a day. 5 Ind. App. 172.

Sec. 7978. *Application of law.*—This act shall apply to all persons, firms, corporations, companies or associations employing labor in this State, and to all mechanics, workingmen and laborers now, or hereafter employed by this State or any municipal corporation herein, through its agents, or officers, or in the employ of persons contracting with the State, or any municipal corporations thereof for performance of labor on the public works of this State, or such corporation.

Sec. 7979. *Violations.*—[Violation is punishable by a fine not greater than $500, and if the violator be an officer or agent of State, he shall, in addition, be removed from his position.]

Sec. 7980. *Secret evasion.*—Any party or parties contracting with this State, or any municipal corporation thereof, who shall fail to comply with, or secretly evade, the provisions hereof, by exacting and receiving more hours of labor than is herein fixed, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not greater than five hundred dollars, and in addition thereto, in the option of the State or municipal corporation, forfeit such contract.

Payment of wages—Assignments

Section 7981. *Who to pay weekly.*—Every corporation, association, company, firm or person engaged in this State, in mining coal, ore or other mineral, or quarrying stone or in manufacturing iron, steel, lumber, staves, heading barrels, brick, tile, machinery, agricultural or mechanical implements, or any article of

merchandise, shall pay each employee of such corporation, company, association, firm or person, if demanded, at least once every week, the amount due such employee for labor, and such payments shall be in lawful money of the United States, and any contract to the contrary shall be void.

SEC. 7982. *Checks, etc., to be redeemable.*—Any person, copartnership, corporation or association, or any member, agent or employee thereof, who shall publish, issue or circulate any check, card or other paper, which is not commercial paper payable at a fixed time in any bank in this State, at its full face value, in lawful money of the United States, with eight per cent interest, or by bank check or currency issued by authority of the United States Government, to any employee for such person, copartnership, corporation or association, in payment of any work or labor done by such emplyee, or in payment for any labor contracted to be done by such employee, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not more than one hundred dollars.

SEC. 7983. *Price of merchandise.*—It shall be unlawful for any corporation, company, association, firm or person described in section one (1) [7981] of this act, or the officers and agents of such, to sell, directly or indirectly, to any employee of such corporation, association, firm or person, any merchandise or supplies at a higher price than such merchandise or supplies are sold by such corporation, company, association, firm or person to others for cash.

SEC. 7983a. *Failure to pay wages.*—Every corporation, company, association, firm or person who shall fail for ten days after demand of payment has been made to pay employees for their labor, in conformity with the provisions of this act, shall be liable to such employee for the full value of his labor, to which shall be added a penalty of one dollar for each succeeding day, not exceeding double the amount of wages due, and a reasonable attorney's fee, to be recovered in a civil actiou and collectible without relief.

SEC. 7983b. *Violations.*—[Violation is punishable by fine of not less than $5 nor more than $100.]

SEC. 7983c. *Construction of act.*—This act shall not in any way affect the liens of laborers, as now secured to them by the laws of this State.

SEC. 7986. *Fines.*—It shall be unlawful for any employer to assess a fine on any pretext against any employee and retain the same or any part thereof from the wages of said employee at the time of payment fixed in this act, or at auy other time, and a change in the current rate of wages paid is prohibited without a written notice given to each employee so affected twenty-four hours before such change shall take place.

SEC. 7987. *Assigning future wages.*—The assignment of future wages, to become due to employees from persons, companies, corporations or associations affected by this act, is hereby prohibited, nor shall any agreement be valid that relieves said persons, companies, corporations or associations from the obligation to pay weekly, the full amount due, or to become due, to any employee in accordance with the provisions of this act: *Provided*, That nothing in this act shall be coustrued to prevent employers advancing money to their employees.

This is a constitutional provision. 65 N. E. 521.
An assignment of future earnings under a contract to make stated contributions to a relief fund is within the prohibition of this statute. 103 N. E. 360.

SEC. 7988. *Violations.*—[Violations of the two preceding sections entail a fine not exceediug $200.]

SEC. 7989. *Enforcement.*—It is hereby made the duty of the chief inspector and of the department of inspection to enforce the provisions of this act by the processes of the courts, and in the name of the State; and, upon their failure so to do, any citizen of the State is hereby authorized to do the same in the name of the State.

SEC. 7995. *Assignments, scrip.*—[Where wages, earned or unearned, are assigned or transferred and the assignee or transferee gives the employee a check, ticket or token, or an order for goods or other commodity, the same shall be at once due and payable in lawful money to the full amount of the wages assigned; if not paid on demand, collectible by suit, with reasonable attorney's fees.]

SEC. 8002. *Procuring waiver as to payment of wages.*—It shall be unlawful for any owner, corporation, association, company, firm or person engaged in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, heading, barrels, brick, tile, machinery, agricultural or mechanical implements or any article of merchandise, to directly or indirectly

procure any person or persons to execute a contract or agreement to waive his or their legal right to demand of or receive from such owner, corporation, association, company, firm or person, at least once every two weeks, payment of the amount due such person or persons for labor performed, in lawful money of the United States.

This section is valid and within the power of the legislature. 121 Ind. 366.

SEC. 8003. *Procuring contracts as to purchase of goods, etc.*—It shall be unlawful for any owner, corporation, association, company, firm or person engaged in this State in mining coal, ore or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, heading, barrels, brick, tile, machinery, agricultural or mechanical implements, or any article of merchandise to directly or indirectly procure any person or persons to execute any contract or agreement by the terms of which such person or persons agree to purchase any article of merchandise, food, groceries or supplies of any particular person, corporation, association, firm or company, or any particular place, shop or store in this State.

SEC. 8004. *Coercion to buy.*—It shall be unlawful for any owner, manager, superintendent, operator, bank boss, agent or employer employed in any of the occupations described in section 1 of this bill [sec. 8002], to hold out any tokens or inducements, or make any threats or promises of reward, or in any other way by words or acts, to coerce any of their employees to buy any article of merchandise, food, groceries or supplies of any particular person, corporation, association, firm or company, or at any particular place, shop or store in this State.

SEC. 8005. *Attempts to coerce.*—It shall be unlawful for any owner, manager, superintendent, operator, bank boss, agent or employer to attempt by words or acts to coerce any of their employees to buy any article of merchandise, food, groceries or supplies of any particular person, corporation, association, firm or company, or at any particular place, shop or store in this State.

SEC. 8006. *Violations.*—[Violation is punishable by fine of not more than $200.]

Blacklisting, etc.

SECTION 8007. *Preventing employee from obtaining employment.*—If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent, or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, such person, agent or corporation shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and such person, agent, company or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action; but this section shall not be construed as prohibiting any person or agent of any company or corporation from informing in writing any other person, company or corporation to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

SEC. 8008. *Blacklisting.*—If any railway company or any other company or partnership or corporation in this State shall authorize, allow or permit any of its or their agents to blacklist any discharged employees, or attempt by words or writing, or any other means whatever, to prevent such discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with any other person, or company, said company shall be liable to such employee in such sum as will fully compensate him, to which may be added exemplary damages.

The provision in the above section relative to employees who have voluntarily left service is void, not having been expressed in the title of the act as required by the State constitution. 69 N. E. 1003.

SEC. 8009. *Statement of cause of discharge.*—It shall be the duty of any person, agent, company or corporation, after having discharged any employee from his or its service, upon demand by such discharged employee, to furnish him in writing a full, succinct and complete statement of the cause or causes of his discharge, and if such person, agent, company or corporation shall refuse so to do within a reasonable time after such demand, it shall ever after be unlawful for such person, agent, company or corporation to furnish any statement of the causes of such discharge to any person or corporation, or in any

way to blacklist or to prevent such discharged person from procuring employment elsewhere, subject to the penalties prescribed in section 1 of this act [sec. 8007]: *Provided*, That said written cause of discharge, when so made by such person, agent, company or corporation at the request of such discharged employee shall never be used as the cause for an action for slander or libel, either civil or criminal, against the person, agent, company or corporation so furnishing the same.

Liability of railroad companies, etc., for injuries to employees

SECTION 8017. *When liable.*—Every railroad or other corporation, except municipal, operating in this State, shall be liable for damages for personal injury suffered by any employee while in its service, the employee so injured being in the exercise of due care and diligence, in the following cases:

First. When such injury is suffered by reason of any defect in the condition of ways, works, plant, tools, and machinery connected with or in use in the business of such corporation, when such defect was the result of negligence on the part of the corporation, or some person intrusted by it with the duty of keeping such way, works, plant, tools, or machinery in proper condition.

Second. Where such injury resulted from the negligence of any person in the service of such corporation, to whose order or direction the injured employee at the time of the injury was bound to conform, and did conform.

Third. Where such injury resulted from the act or omission of any person done or made in obedience to any rule, regulation or by-law of such corporation, or in obedience to the particular instructions given by any person delegated with the authority of the corporation in that behalf.

Fourth. Where such injury was caused by the negligence of any person in the service of such corporation who has charge of any signal, telegraph office, switch yard, shop, roundhouse, locomotive engine or train upon a railway, or where such injury was caused by the negligence of any person, coemployee or fellow-servant engaged in the same common service in any of the several departments of the service of any such corporation, the said person, coemployee or fellow-servant, at the time acting in the place, and performing the duty of the corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior at the time of such injury, having authority to direct; but nothing herein shall be construed to abridge the liability of the corporation under existing laws.

This statute is unconstitutional except in its application to railroad corporations. 80 N. E. 529.

The law does not apply to electric railways. 72 N. E. 145.

Law held valid and applicable to electric railways. 80 N. E. 841.

This section does not relieve an employee from that caution and care of himself required by common law. 55 N. E. 440.

The common-law doctrine of the assumption of risk is operative in connection with this act except to the extent that is set forth in terms in the statute. 67 N. E. 986.

The employer can not plead assumption of risk when the injury complained of results from the negligence of the persons designated by the statute. 78 N. E. 1033.

The general liability fixed in subsection 2 is not nullified by the specific enumeration of persons in subsection 4. 153 Ind. 420.

A brakeman charged with the duty of opening and closing a switch for the passage of the train on which he is employed is not in charge of a switch yard so as to make the company liable for his negligence under subsection 4. 149 Ind. 167.

Violation by an engineer of a city ordinance regulating the speed of trains is such negligence as to make the company liable to an employee injured by such violation. 152 Ind. 345.

A locomotive engineer not acting under special orders, but engaged in the discharge of the regular duties of his employment, must be regarded as acting under the orders of some superior. 114 Fed. 918.

A machine capable of moving itself and the cars attached, but primarily constructed and used as a pile driver, is not a locomotive within the meaning of subsection 4. 67 N. E. 1057.

A resident of Illinois was injured in Indiana. Held by the supreme court of Illinois that he could recover under the above section in the courts of that State. 52 N. E. 951.

A workman put in temporary charge of other employees in the absence of the foreman does not by his negligent manner of laboring charge his employer with liability under this section. 152 Ind. 680.

One at work in a gas main by order of his superintendent, and injured by an explosion caused by the superintendent coming near with a lighted lantern could recover under this section. 54 N. E. 414.

A switch target moving automatically with the opening and closing of a switch is not a signal within the meaning of this section. Only signals complete within themselves, and not subsidiary parts of other devices, are meant. 83 N. E. 369.

SEC. 8018. *Measure of damages.*—The damages recoverable under this act, shall be commensurate with the injury sustained unless death results from such injury, when, in such case, the action shall survive and be governed in

all respects by the law now in force as to such actions: *Provided*, That where any such person recovers a judgment against a railroad or other corporation, and such corporation takes an appeal, and, pending such appeal, the injured person dies, and the judgment rendered in the court below be thereafter reversed, the right of action of such person shall survive to his legal representative.

SEC. 8020. *Contracts waiving rights.*—All contracts made by railroads or other corporations with their employees, or rules or regulations adopted by any corporation releasing or relieving it from liability to any employee having a right of action under the provisions of this act are hereby declared null and void. The provisions of this act, however, shall not apply to any injuries sustained before it takes effect, nor shall it affect in any manner any suit or legal proceedings pending at the time it takes effect.

This section is constitutional. A contract releasing a company from liability on payment of a sum from its relief fund is void. 49 N. E. 582.

An agreement that the beneficiary of a relief fund will not also sue for damages is not forbidden by this section. 53 N. E. 290.

A contract with a relief department agreeing that the acceptance of benefits therefrom shall operate as a release of all claims against the railroad is nothing more than a contract for a choice between two modes of compensation, and is not a release within the meaning of the above section. Acceptance by a widow of such benefit will not bar her action as administratrix in behalf of her children. 152 Ind. 345.

The law of the place of accident and not of the company's main office determines a claimant's right to recover. 108 Fed. 320.

Liability of employers for injuries to employees

SECTION 8020a. *Acts of fellow servants.*—Any person, firm, or corporation while engaged in business, trade or commerce within this State, and employing in such business, trade, or commerce five or more persons shall be liable and respond in damages to any person suffering injury while in the employ of such person, firm, or corporation, or in case of the death of such employee, then to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and if none, then to such employee's parents; and if none, then to the next of kin dependent upon such employee, where such injury or death resulted in whole or in part from the negligence of such employer or his, its or their agents, servants, employees, or officers, or by reason of any defect, mismanagement, or insufficiency, due to his, its or their carelessness, negligence, fault, or omission of duty.

SEC. 8020b. *Burden of proof.*—In any action prosecuted under the provisions of this act, the burden of proving that such injured or killed employee did not use due care and diligence at the time of such injury or death, shall be upon the defendant, but the same may be proved under the general denial. No such employee who may have been injured or killed shall be held to have been guilty of negligence or contributory negligence by reason of the assumption of the risk thereof in any case where the violation by the employer or his, its, or their agents or employees, of any ordinance or statute enacted, or of any rule, regulation, or direction made by any public officer, bureau or commission, was the cause of the injury or death of such employee. In actions brought against any employer under the provisions of this act for the injury or death of any employee, it shall not be a defense that the dangers or hazards inherent or apparent in the employment in which such injured employee was engaged, contributed to such injury. No such injured employee shall be held to have been guilty of negligence or contributory negligence where the injury complained of resulted from such employee's obedience or conformity to any order or direction of the employer or of any employee to whose orders or directions he was under obligations to conform or obey, although such order or direction was a deviation from other rules, orders, or directions previously made by such employer.

SEC. 8020c. *Assumption of risks.*—In any action brought against any employer under or by virtue of this act to recover damages for injuries or the death of any of his, its, or their employees, such employee shall not be held to have assumed the risks of the employment in any case where the violation of such employer or his, its, or their agents or employees of any ordinance or statute enacted, or of any rule, direction, or regulation made by any public officer or commission, contributed to the injury or death of such employee; nor shall such injured employee, be held to have assumed the risk of the employment where the injury complained of resulted from his obedience to any order or direction of the employer or of any employee to whose orders or

directions he was under obligation to conform or obey although such order or direction was a deviation from other orders or directions or rules previously made by such employee. In any action brought against any employer under the provisions of this act to recover damages for injuries to or the death of, any of his, its, or their employees, such employee shall not be held to have assumed the risk of any defect in the place of work furnished to such employee, or in the tool, implement, or appliance furnished him by such employer, where such defect was, prior to such injury, known to such employer or by the exercise of ordinary care might have been known to him in time to have repaired the same or to have discontinued the use of such defective working place, tool, implement, or appliance. The burden of proving that such employer did not know of such defect, or that he was not chargeable with knowledge thereof in time to have repaired the same or to have discontinued the use of such working place, tool, implement, or appliance, shall be on the defendant, but the same may be proved under the general denial.

SEC. 8020d. *Damages.*—The damages recoverable under this act shall be commensurate with the injuries sustained, and in case death results from such injury, the action shall survive: *Provided*, That where any such injured person recovers a judgment under the provisions of this act and an appeal is taken from such judgment, and pending such appeal, the injured person dies and said judgment be thereafter reversed; or where such injured person dies after said judgment is reversed and before trial, the right of action of such person shall survive to his or her personal representative, and such action may be continued in the name of such personal representative, for the benefit of the person entitled under this act to receive the same.

SEC. 8020e. *Contracts of waiver.*—Any contract, rule, regulation, by-law, or device whatsoever, the purpose, intent, or effect of which would be to enable any employer to exempt himself or itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such employer under or by virtue of any of the provisions of this act, such employer may set off therein by special plea any sum such employer has contributed or paid to any insurance, relief benefit, or indemnity for and on behalf of such injured employee that may have been paid to him or to the person entitled thereto on account of the injury or death for which said action is brought, but in no event shall the amount of such set-off exceed the amount paid to such employee or other person entitled thereto out of such insurance, relief benefit or indemnity fund.

SEC. 8020f. *Limit of liability.*—Where any action is brought on account of the death of any person under this act, the liability of any such employer shall not exceed $10,000, and the provisions of the law now in force as to parties plaintiff shall apply.

SEC. 8020g. *Questions for jury.*—All questions of assumption of risk, negligence or contributory negligence shall be questions of fact for the jury to decide, unless the cause is being tried without a jury, in which case such questions shall be questions of fact for the court.

SEC. 8020h. *Limitation.*—No action shall be maintained under this act unless the same is commenced within two years from the date the cause of action accrued.

SEC. 8020i. *Definitions.*—The terms "employer," "persons," "firm," and "corporation" shall include receivers or other persons charged with the duty of managing, conducting or operating business, trade or commerce.

SEC. 8020j. *Pending suits.*—This act shall not apply to injuries received by any employee before the passage of the same nor affect any suit or legal proceedings pending in any court at the time of its passage.

SEC. 8020k. *Construction of statute.*—This act shall be construed as supplemental to all laws and parts of laws now in force concerning employers and employees, and shall repeal only such laws and parts of laws as are in direct conflict with the provisions of this act. Nothing in this act shall be held to limit the duty or liability of employers or to impair the rights of their employees under the common law or any other existing statute or to affect the prosecution of any pending proceeding or right of action now existing.

Employment of women and children—Factory, etc., regulations

SECTION 8021. *Hours of labor of children.*—No person under sixteen years of age, and no female under eighteen years of age, employed in any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing

office, shall be required, permitted or suffered to work therein more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the whole number of days which such person or such female shall so work during such week; and every person, firm, corporation or company employing any person under sixteen years of age, or any female under eighteen years of age, in any establishment as aforesaid, shall post and keep posted in a conspicuous place in every room where such help is employed a printed notice stating the number of hours of labor per day required of such person for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice: *Provided*, That such female under eighteen and persons under sixteen years of age may begin after the time set for beginning and stop before the time set in such notice for the stopping of the day's labor, but they shall not be permitted or required to perform any labor before the time stated on the notices as the time for beginning the day's labor, nor after the time stated upon the notices as the hour of ending the day's labor.

Sec. 8023. *Nightwork.*—No person or corporation, or officer or agent thereof, shall employ any woman or female young person in any capacity for the purpose of manufacturing, between the hours of 10 o'clock at night and 6 o'clock in the morning.

Sec. 8024. *Operating elevators.*—No person, company, corporation or association shall employ or permit any young person to have the care, custody, management of or to operate any elevator.

Sec. 8025. *Safety appliances for elevators, etc.*—It shall be the duty of the owner or lessee of any manufacturing or mercantile establishment, laundry, renovating works, bakery, or printing office, where there is an elevator, hoisting shaft or wellhole, to cause the same to be properly and substantially inclosed or secured, if in the opinion of the chief inspector it is necessary, to protect the lives or limbs of those employed in such establishment. It shall also be the duty of the owner, agent, or lessee of each of such establishments to provide or cause to be provided, if in the opinion of the chief inspector, the safety of persons in or about the premises should require it, such proper trap or automatic doors so fastened in or at all elevator-ways as to form a substantial surface when closed, and so constructed as to open and close by the action of the elevator in its passage, either ascending or descending, but the requirements of this section shall not apply to passenger elevators that are closed on all sides. The chief inspector shall inspect the cables, gearing, or other apparatus of elevators in the establishments above enumerated and require that the same be kept in safe condition with proper safety devices whereby the cabs or cars will be securely held in event of accident to the cable or rope or hoisting machinery, or from any similar cause.

Until orders are received from the commissioner, failure to provide guards is not negligence. 82 N. E. 114.

Sec. 8026. *Hand rails, etc., on stairways.*—Proper and substantial handrails shall be provided on all stairways in all establishments above enumerated, and where, in the opinion of the chief inspector it is necessary, the steps of said stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at the sides and bottom. All doors leading in or to such establishments aforesaid shall be so constructed as to open outwardly where practicable, and shall be neither locked, bolted, nor fastened during working hours.

Sec. 8027. *Communication with engine room.*—In every manufacturing or other establishment, where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells, or appliances that may control the motive power, or such other means as shall be satisfactory to the chief inspector: *Provided*, That in the opinion of the inspector such communication is necessary.

Sec. 8028. *Accidents.*—It shall be the duty of the owner, agent, superintendent, or other person having charge of any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office

within this State, or of any floor or part thereof, to report in writing to the chief inspector all accidents or injury done to any person in such premises within forty-eight hours of the time of the accident, stating as fully as possible the extent and cause of such injury, and the place where the injured person is sent, with such other information relative thereto as may be required by the chief inspector. The chief inspector is hereby authorized and empowered to fully investigate the causes of such accident, and to require such reasonable precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

Sec. 8029. *Guards, etc., for machinery.*—It shall be the duty of the owner of any aforesaid establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, in the discretion of the chief inspector, where machinery is used, belt shifters or other safe mechanical contrivances for the purpose of throwing on or off belts or pulleys; and whenever possible, machinery therein shall be provided with loose pulleys; all vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws and machinery of every description therein shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the chief inspector should such machinery be regarded as dangerous. Such notice must be signed by the chief inspector, and shall only be removed after the required safeguards are provided, and the unsafe or dangerous machine shall not be used in the meantime. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels and grindstones and dust-creating machinery from establishments where used. No person under sixteen years of age, and no female under eighteen years of age, shall be allowed to clean machinery while in motion.

The duty to provide guards is put upon the employer by the statute, and is not dependent on the request of the employee to have the machine guarded. 69 N. E. 1033.
The servant does not assume the risk of the master's negligent disregard of his statutory duty, even though he is aware of it. 73 N. E. 899.
Failure to provide statutory guards is negligence per se. 84 N. E. 549. But not as to machinery whose use without guards is not dangerous. 88 N. E. 69.

Sec. 8030. *Toilets; wash rooms; seats.*—[Separate wash rooms and toilets must be provided for each sex. A dressing room shall be provided for female employees. Seats must be provided for female employees at their work for their use when not actively engaged.]

Sec. 8031. *Time for meals.*—Not less than sixty minutes shall be allowed for the noonday meal in any aforesaid establishment in this State. The chief inspector shall have the power to issue written permits in special cases, allowing shorter mealtime at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the chief inspector deems necessary, and shall only be given where good cause can be shown.

Sec. 8032. *Walls to be limewashed, etc.*—The walls and ceilings of each room in every establishment aforesaid, shall be limewashed or painted, when in the opinion of the chief inspector it shall be conducive to the health or cleanliness of the persons working therein.

Sec. 8033. *Inspection.*—The chief inspector, or other competent person designated for such purpose by the chief inspector, shall inspect any building used as aforesaid, or anything attached thereto, located therein, or connected therewith which has been represented to be unsafe or dangerous to life or limb. If it appears upon such inspection that the building or anything attached thereto, located therein, or connected therewith, is unsafe or dangerous to life or limb, the chief inspector shall order the same to be removed or rendered safe and secure, and if such notification be not complied with within a reasonable time, he shall prosecute whoever may be responsible for such delinquency.

Sec. 8034. *Sweat shops.*—No room or rooms, apartment or apartments in any tenement or dwelling house shall be used for the manufacture of coats vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, for sale, excepting by the immediate members of the family living therein. No person, firm or corpora-

tion, shall hire or employ any person to work in any one room or rooms, apartment or apartments, in any tenement or dwelling house, or building in the rear of a tenement or dwelling house at making, in whole, or in part, any vests, coats, trousers, knee pants, fur, fur trimmings, shirts, purses, feathers, artificial flowers or cigars, for sale, without obtaining first a written permit from the chief inspector, which permit may be revoked at any time the health of the community, or of those employed therein, may require it, and which permit shall not be granted until an inspection of such premises is made by the chief inspector or a deputy inspector, and the maximum number of persons allowed to be employed therein shall be stated in such permit. Such permit shall be framed and posted in a conspicuous place in the room, or in any one of the rooms to which it relates.

Sec. 8035. *Air space.*—No less than two hundred and fifty cubic feet of air space shall be allowed for each person in any workroom where persons are employed during the hours between six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space shall be provided for each person in any workroom where persons are employed between six o'clock in the evening and six o'clock in the morning. By a written permit the chief inspector may allow persons to be employed in a room where there are less than four hundred cubic feet, but not less than two hundred and fifty cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning: *Provided*, Such room is lighted by electricity at all times during such hours while persons are employed therein. There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the chief inspector shall notify the owner in writing to provide, or cause to be provided, ample and proper means of ventilation for such workroom, and shall prosecute such owner, agent or lessee if such notification be not complied with within twenty days of the service of such notice.

Sec. 8036. *Discrimination in employment.*—Proprietors, agents or managers of any manufacturing or mercantile establishment, mine or quarry, laundry, renovating works, bakery or printing office, are prohibited from discriminating against any person or persons, or class of labor seeking work, by posting notices or otherwise.

Sec. 8037. *Notaries' fees.*—It shall be unlawful for notaries public and other officers to receive more than ten cents for the preparing and certifying to a "certificate of parent or guardian," provided for in this act.

Sec. 8038. *Definitions.*—The language used in this act shall be interpreted to have the following meaning: The word "person" means any individual, corporation, partnership, company or association. The word "child" means a person under the age of fourteen years. The words "young person" means a person of the age of fourteen years and under the age of eighteen years. The word "woman" means a female of the age of eighteen years and upwards. The words "manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office" means any mill, factory, workshop, store, place of trade, or other establishment where goods, wares or merchandise are manufactured or offered for sale, or any mine or quarry where coal and stone are mined and quarried for the market, and persons are employed for hire.

A street railway repair shop is included. 77 N. E. 372.

Sec. 8039. *Inspectors to be appointed.*—For the purpose of carrying out the provisions of this act a department of inspection is hereby created, and the governor shall, by and with the advice and consent of the senate, appoint a chief inspector to have charge of said department. Said inspector shall hold and continue in office after the expiration of his term of office until his successor shall have been appointed and qualified. The term of office of the chief inspector shall be for four years. The annual salary of such chief inspector shall be one thousand eight hundred dollars ($1,800) and actual expenses when absent from home in the discharge of his official duties. Said chief inspector shall, by and with the consent of the governor, appoint a sufficient number of deputies to enforce the provisions of this act, not to exceed five (5), one of which shall be a chief deputy inspector, whose salary shall be one thousand five hundred dollars ($1,500) per annum and actual expenses when absent from home in the discharge of his official duties. The salaries of such other deputies as may be appointed shall be one thousand dollars ($1,000) each per annum

and actual expenses when absent from home in the discharge of their official duties. But said actual expenses for the department of inspection shall in no year exceed the sum of three thousand dollars ($3,000), and the duties of the deputy inspectors shall be such as shall be assigned them by the chief inspector. Said chief inspector shall also employ a stenographer at a salary not to exceed six hundred dollars ($600) per annum. The salary and actual expenses of said deputy inspectors and stenographer shall be paid monthly as due, on voucher duly attested before some officer authorized to administer oaths, and approved and signed by the chief inspector, and the salary and actual expenses of the chief inspector shall be paid in monthly installments, out of the treasury of the State, upon warrants of the auditor of state, and the total annual appropriations of ten thousand nine hundred dollars ($10,900) for such payments aforesaid is hereby made out of any moneys in the State treasury not otherwise appropriated: *Provided*, That the auditor of state shall issue no warrant, except upon itemized bills, sworn to, and presented by the chief inspector provided for in this act.

SEC. 8041. *Record, reports, etc.*—The chief inspector shall keep a record of all inspections and examinations made by his department and copies of all notices and orders made by him, and at the close of his term of office transfer the books containing the same to his successor. He shall make an annual report of his doings as such inspector to the governor at the close of each fiscal year and cause the same to be printed, at the expense of the State, not later than the first day of January next ensuing, in such numbers as the governor may approve. Such inspector and deputy inspectors shall have power as notaries public to administer oaths and take affidavits in matters connected with the enforcement of the provisions of this act.

SEC. 8042. *Duties.*—It shall be the duty of the chief inspector to cause this act to be enforced and to cause all violators of the same to be prosecuted, and for that purpose he is empowered to visit and inspect at all reasonable hours, and as often as shall be practicable and necessary, all manufacturing or other establishments to which this bill relates. It shall be the duty of the chief inspector to examine into all violations of laws made for the benefit or protection of labor and to prosecute all violations thereof. It shall be unlawful for any person to interfere with, obstruct, or hinder said chief inspector or deputy inspectors while in the performance of his or their duties, or to refuse to properly answer questions asked by him or them with reference to any of the provisions hereof.

SEC. 8043. *Furnishing blanks, etc.*—It shall be the duty of the chief inspector to supply all blanks necessary to make reports to his office, as required in this act, and be furnished copies of this act, which shall be conspicuously posted or hung, and kept posted or hung, in each workroom of every manufacturing or other establishment to which it relates, in the State, by the proprietor or occupant thereof.

SEC. 8044. *Prosecuting attorney.*—The prosecuting attorney of any county of this State is hereby required upon request of the chief inspector, or of any other person of full age, to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

SEC. 8045. *Violation.*—[Violations of this act are punishable by a fine of not more than $50 for the first offense and not more than $100 for the second offense, to which may be added imprisonment of not more than ten days, and for the third offense a fine of not less than $250 and not more than thirty days in jail.]

SEC. 8046. *Appeals.*—Any person, company, corporation, or association aggrieved by any order of the chief inspector may appeal to the circuit court in the county where the person, firm, or corporation owns, leases, or occupies the factory or buildings in relation to which said order relates, within ten days after notice of such order shall have been given. Said appeal shall operate as a supersedeas, shall be made in writing, and contain a brief statement of the facts and reasons for such appeal and a citation for the chief inspector to appear before said court, and said court or any judge thereof may direct the time of appearance and manner of service. Said court may review the doings of the chief inspector, may examine the questions in issue, and may confirm, change, or set aside the doings of the chief inspector, in this particular case, and may make such orders in the premises, including orders as to costs, as it may find to be proper and equitable.

SEC. 8047. *Counsel, fees, etc.*—In case of an appeal from any order of the chief inspector the prosecuting attorney of the circuit court shall appear as counsel for the State to sustain and defend such orders, and in case such order be sustained on such appeal a fee of twenty-five dollars shall be taxed against the appellant as the prosecuting attorney's fee, which fee shall be taxed as costs in the case.

Bureau of statistics

[This office was abolished by chapter 79, Acts of 1917. However, its duties were continued, and devolved upon the industrial board, which was created by chapter 106, Acts of 1915. The law prescribing the duties, etc., of the bureau is reproduced below.]

SECTION 9341. *Duties.*—The duties of said bureau shall be to collect, systematize, tabulate, and present in annual reports, as hereinafter provided, statistical information and details relating to agriculture, manufacturing, mining, commerce, education, labor, social and sanitary conditions, vital statistics, marriages and deaths, and to the permanent prosperity of the productive industry of the people of the State.

SEC. 9347. *Statistics of labor.*—In addition to the other duties now imposed by law on the chief of the Indiana Bureau of Statistics, he shall collect, compile, and systematize statistics, with reference to the subject of labor in its social, educational, industrial, and general condition, wages and treatment of all classes of our working people, to the end that the effects of the same upon the permanent prosperity and productive industry may be shown, and shall report to the legislature, in convenient form, the results of his investigation.

SEC. 9348. *Reports, etc.*—The duties of such bureau shall be to collect * * * assort, systematize, print, and present in biennial reports to the legislature statistical details relating to all departments of labor in this State, including the penal institutions thereof, particularly concerning the hours of labor, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, wages earned, savings from the same, the culture, moral, and mental, with age and sex of person employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, as well as the influence of the several kinds of labor, and the use of intoxicating liquors upon the health and mental condition of the laborers, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental of the same, the average number of members in the families of married laborers and mechanics, the value of property owned by laborers or mechanics (if foreign born) upon their arrival in this country, and the length of time they have resided here, the subjects of cooperation, strikes, or other labor difficulties, trades-unions, and other labor organizations, and their effects upon labor and capital, with such other matter relating to the commercial, industrial, and sanitary condition of the laboring classes and permanent prosperity of the respective industries of the State, as such bureau may be able to gather, accompanied by such recommendations relating thereto as the bureau may deem proper.

SEC. 9349. *Power of chief.*—The chief or duly authorized deputy shall have power to examine witnesses under oath, to compel the attendance of witnesses and the production of papers while acting in any part of this State, and witnesses may be summoned by said chief or authorized deputy thereof by its process, in the same manner administer oaths and take testimony in all matters relating to the duties herein required of said bureau.

SEC. 9350. *Refusing to answer questions.*—Any county, municipal, or township officer, corporation, firm, individual, or association doing business within this State, who shall neglect or refuse for thirty days to answer questions by circular or upon personal application, or who shall refuse to obey the summons and give testimony according to the provisions of this act [secs. 9347 to 9350, inclusive], shall be liable to a penalty of one hundred dollars, to be collected by the order of the chief of said bureau of statistics in an action wherein the State of Indiana shall be plaintiff.

SEC. 9355. *Information to be furnished.*—It shall be the duty of the several city, incorporated town, county, and township assessors, trustees, officers of school boards, and boards of health, in their respective cities, towns, counties, and townships; the agents or superintendents of all manufacturing, mining,

and mechanical establishments; the managers and superintendents of all corporations, manufacturing, mechanical, and transportation companies and associations; and county superintendents of schools—to make reports and answer questions relating to the duties of said bureau, upon such blanks as may be furnished to them for such purposes by said bureau. And the chief of said department shall have power to administer oaths, and to examine witnesses, under oath, on questions relating to production, manufacturing, mining, transportation, labor, wages, savings, and respecting such other matters as relate to the duties of said bureau.

SEC. 9357. *Penalty.*—Any person or persons authorized by the bureau to collect statistics, or to answer questions relating thereto, who shall neglect or refuse to make true returns, as provided for in this act, shall forfeit and pay a fine not exceeding two hundred dollars.

Accidents to employees of public utilities

SECTIONS 10052a, 10052t4. *Reports.*—[Street and interurban railways, telegraph and telephone companies, heat, light, water and power companies and companies furnishing public elevator or warehouse service must report to the public service commission every accident occasioning loss of life upon their premises within the State. The commission may investigate the accident if it deems the public interest requires it, giving to the public utility due notice of the time and place of the investigation.]

Inspection of vessels

SECTIONS 10477–10482. *Inspections required.*—[Annual inspections must be made of the boiler, engine and machinery of every steamboat, naphtha or gas engine launch used for carrying passenger, freight or merchandise for hire on the inland waters of the State. Inspectors must have certificates of authority from the State factory inspector, and must report inspections to him for filing in his office. Certificates of inspection and a commission to operate must be issued and kept posted on the boat. If unsafe, notice must be posted until repairs are made.]

ACTS OF 1915

CHAPTER 51.—*Termination of employment—Service letter*

SECTION 1. *Letter to be given.*—Whenever any employee of any person, firm or corporation doing business in this State shall be discharged or voluntarily quits the service of such person, firm or corporation it shall be the duty of such person, firm or the officer of the corporation having jurisdiction over such employee upon written request of such employee, to issue such employee a letter duly signed by such person, firm or officer setting forth the nature and character of service rendered by such employee and the duration thereof, and truly stating for what cause, if any, such employee has quit or been discharged from such service: *Provided*, That this section shall not apply to any person, firm or corporation which does not require written recommendations or written applications showing qualifications or experience for employment.

SEC. 2. *Violations.*—[Violation is punishable by fine, $100 to $500.]

CHAPTER 106.—*Industrial board*

SECTION 50 (as amended 1919, ch. 57). *Creation.*—There is hereby created the industrial board of Indiana, which shall consist of five members, two of whom shall be attorneys, and not more than three of whom shall be of the same political party, appointed by the governor, one of whom he shall designate as chairman.

The chairman of said board shall be an attorney of recognized qualifications.

Each member of the board shall hold his office for four years and until his successor is appointed and qualified, unless removed by the governor, except that the three present members of said board shall continue to serve for and during the terms for which they have been appointed, unless removed as hereinafter provided, and of the two additional members hereby provided for, one shall be appointed for two years and one for four years. Thereafter, upon the expiration of the term of any member, the governor shall appoint his successor for the full term of four years.

Each member of the board shall devote his entire time to the discharge of the duties of his office and shall not hold any other position of trust or profit or engage in any occupation or business interfering with or inconsistent with the discharge of his duties as such member.

Any member of said board may be removed by the governor at any time for incompetency, neglect of duty, misconduct in office or other good cause, to be stated in writing in the order of removal.

In case of a vacancy in the membership of said board, the governor shall appoint for the unexpired term.

SEC. 51 (as amended 1919, ch. 57). *Salaries.*—The annual salary of each member of the board shall be four thousand dollars.

The board may appoint a secretary at a salary of not more than twenty-five hundred dollars a year and may remove him. The secretary shall have the authority to administer oaths and issue subpœnas.

The board, subject to the approval of the governor, may employ and fix the compensation of such clerical and other assistants as it may deem necessary. The clerical and other assistants shall be employed with special reference to their qualifications for the discharge of the duties assigned to them, and without regard to their political affiliations, except that not more than sixty per cent of such employees shall be of the same political party: *Provided*, That none of the present employees shall be discharged merely to establish such political proportion.

The members of the board and its assistants shall be entitled to receive from the State their actual and necessary expenses while traveling on the business of the board, but such expenses shall be sworn to by the person who incurred the same and shall be approved by the chairman of the board before payment is made.

All salaries and expenses of the board shall be audited and paid out of the State treasury in the manner prescribed for similar expenses in other departments or branches of the State service.

SEC. 52. *Transfer of powers.*—The rights, powers, and duties conferred by law upon the State bureau of inspection of the State of Indiana are hereby continued in full force and are hereby transferred to the industrial board hereby created and shall be held and exercised by them under the laws heretofore in force and the said State bureau of inspection is hereby abolished. The present chief inspector of said State bureau of inspection is hereby made a member of said industrial board until the expiration of one year from the date of the taking effect of this act and until his successor is appointed and qualified. The deputy inspectors heretofore appointed by the governor as deputy inspectors in said State bureau of inspection, to wit: Inspector of buildings, factories, and workshops, inspector of boilers, and inspector of mines and mining, together with their assistant inspectors, are hereby continued in their respective offices, at their present salaries, until the expiration of the terms for which they are respectively appointed and until their successors are appointed and qualified, and each of them respectively shall have and perform all the rights, powers, and duties now held and performed by each of them, respectively, together with such other rights, powers, and duties as may be prescribed by said industrial board. Upon the termination of the said terms of office for which said deputy inspectors have been appointed, said industrial board, with the concurrence of the governor, shall appoint their successors to serve during the pleasure of said industrial board.

SEC. 54. *Offices.*—The board shall be provided with adequate offices in the capitol or some other suitable building in the city of Indianapolis, in which the records shall be kept and its official business be transacted during regular business hours; it shall also be provided with necessary office furniture, stationery, and other supplies.

The board or any member thereof may hold sessions at any place within the State as may be deemed necessary.

CHAPTER 111.—*Inspection of steam boilers*

SECTION 1. *Equipment required.*—It shall be the duty of every person, firm, or corporation owning or using or causing to be used any steam boiler for generating steam to be applied to machinery, or for steaming and heating purposes in all industrial institutions subject to inspection by the State bureau of inspection, to provide them with a full complement of gauge cocks,

some visible means of indicating the water level, one steam gauge, one fusible plug properly inserted, one or more safety valves, all to be kept in good working order (the area of said valve, if known as pop valve, shall be in the ratio of one (1) square inch of area to three (3) square feet of grate surface), a lever and ball safety valve in the ratio of one (1) square inch of area to two (2) square feet of grate surface.

SEC. 2. *Inspections.*—[Inspections must be made semiannually and certificates issued.]

SEC. 3. *Gauges, etc.*—[Steam gauges must be in boiler house, also convenient to engineer if in another room or more than 40 feet from the boiler gauge. Safety valves are to be loaded only as allowed by inspector's certificate.]

SEC. 4. *Frequency of inspections.*—[Apparatus used for power or under pressure must be inspected internally every six months, heating apparatus annually. Cast-iron boilers may not carry over 25 pounds pressure.]

SECS. 5, 6. *Insurance; certificates.*—[Insurance companies making inspections must report in 14 days. If insurance is canceled, reason must be given. If inspector finds boiler safe he issues certificate; if not, owner is notified, and use forbidden. If owner disagrees, an appeal lies to the deputy inspector.]

SEC. 7. *Duty of owner.*—[Owners must prepare for inspection by cooling and cleaning the boiler and removing manhead or handhold plates.]

SECS. 8–29. *Construction, etc.*—[Detailed and technical provisions cover the construction, installation, equipment, permissible pressure, etc., of boilers subsequent to passage of the act.]

SEC. 30. *Enforcement.*—[County attorneys are to aid the State labor officials in the enforcement of this act.]

CHAPTER 118.—*Arbitration and conciliation of labor disputes*

SECTION 1. *Scope of law.*—The provisions of this act shall apply to all controversies arising between an employer or employers and employees engaged in any kind of business within the State of Indiana where more than fifty (50) employees are involved.

SEC. 2. *Board to be appointed.*—Whenever any controversy arises between an employer or employers and employees as provided in this act which threatens the public welfare and convenience, the governor may, upon his own motion or upon application as provided in section three (3), appoint a board of mediation and conciliation for the purpose of carrying out the provisions of this act with respect to such controversy. The board of mediation and conciliation in any such case shall consist of three (3) members which three members of said board shall be appointed by the governor of the State of Indiana. But no member shall be appointed to such board if he is directly interested in the business of the employer or is an employee of such employer. The secretary of state shall be the secretary of any such board so created and shall keep a permanent record of all proceedings of such board and of the boards of arbitration provided for in this act, and the same shall be open for public inspection at his office. The members of a board of mediation and conciliation when appointed, shall receive ten dollars ($10) per day for each day actually employed and all necessary traveling and hotel expenses while engaged in the performance of their duties: *Provided, however*, That the secretary of state shall not receive compensation for acting as secretary of the said board. Such board may also employ clerical assistants, in carrying out the provisions of this act. A board of mediation and conciliation when appointed shall be provided with suitable quarters in the statehouse whenever required for their work.

SEC. 3. *Applications by parties.*—Whenever a controversy concerning wages, hours of labor or conditions of employment shall arise between an employer or employers and their employees subject to this act, interrupting or threatening to interrupt the business in which such employer or employers and employees are engaged to the detriment of the public interest, either party to such controversy may apply to the governor for the appointment of a board of mediation and conciliation for the purpose of bringing about an amicable adjustment of the controversy, stipulating in such application that they are willing to resume or continue work pending the action of the board. The governor may, in his discretion, appoint such board and the board when appointed shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their

controversy to arbitration in accordance with the provisions of this act. In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the agreement may apply to the board of mediation and conciliation for an interpretation of such agreement and the board may be reconvened by the governor for the purpose and shall give its opinion as soon as may be practicable. Such application shall be signed by duly accredited representatives of the employer or employers and of the employees, and in the case of the employees, such representative may be the officers of a labor organization representing a majority of the employees, or a committee duly selected by the employees.

SEC. 4. *Investigations.*—Whenever any controversy shall arise between an employer or employers and employees and the board of mediation and conciliation, appointed by the governor for the purpose, shall be unable to induce the parties to such controversy to submit their differences to a board of arbitration, as provided in this act, it shall be the duty of such board of mediation and conciliation to immediately make an investigation of the cause and circumstances of the controversy. Said board shall have power in making such investigation to compel the attendance and testimony of witnesses and the production of books and papers pertinent to the investigation. The board shall publish their findings in the controversy and file the same with the governor and cause certified copies thereof to be served upon the representatives of the parties to the controversy.

SEC. 5. *Arbitration.*—Whenever a controversy shall arise between an employer or employers and employees which can not be settled through mediation and conciliation in the manner provided in this act, such controversy may be submitted to the arbitration of a board of three (3) members, which three members of said board shall be appointed by the governor of the State of Indiana. No member of such board shall be directly interested in the business of the employer or employers or an employee of such employer or employers.

SEC. 6. *Agreements.*—The agreement to arbitrate—

First. Shall be in writing;

Second. Shall be signed by duly accredited representatives of the employer or employers and of the employees; and in the case of the employees such representatives may be the officers of a labor organization representing a majority of the employees or a committee selected by the employees.

Third. Shall state specifically the question to be submitted to the said board for decision.

Fourth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award;

Fifth. Shall fix a period from the date of the appointment of the arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings:

Sixth. Shall fix a period from the beginning of the hearing within which the said board shall make and file its award: *Provided*, That this period shall be thirty (30) days unless a different period be agreed to.

Seventh. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force.

Eighth. Shall provide that the parties shall agree to resume work until the award is given and that they will each faithfully execute the award.

Ninth. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, shall be filed in the office of the clerk of the circuit court of the county wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement.

Tenth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, another arbitrator shall be named in the same manner as such original member was named.

SEC. 7. *Powers of arbitrators.*—For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, issue subpœnas, require the attendance and testimony of

witnesses and the production of such books, papers, contracts, agreements and documents material to a just determination of the matters under investigation as may be ordered by the arbitration board and may invoke the aid of any court to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents as the arbitrators may desire.

SEC. 8. *Procedure.*—Every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or other person authorized to take acknowledgments and when so acknowledged shall be delivered to the board of mediation or conciliation or transmitted to the board to be filed in the office of the secretary of the board.

If the parties to an arbitration desire the reconvening of a board of arbitration to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the governor in writing, and shall state in such written notice the question or questions to be submitted to such reconvened board. The governor shall thereupon promptly communicate with the members of the board of arbitration, or a subcommittee of such board if any appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

SEC. 9. *Organization.*—The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation. The board of arbitration may employ such assistants as may be necessary in carrying on its work. The board of arbitration shall furnish a certified copy of its awards to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the board of mediation and conciliation, and a copy thereof shall be filed in the office of the clerk of the circuit court in the county wherein the award was made. Findings of any board of mediation and conciliation and any board of arbitration shall be competent evidence in any court of the State in any matter growing out of the controversy but may be controverted by the party against whom it is introduced: *Provided, however,* That in case any arbitration agreement or labor contract has been entered into between any such employer and such employees or a majority thereof, which provides for the arbitration of any matter by the public service commission of Indiana or members thereof, such commission or members thereof, shall continue to act as a board of arbitration for all such matters as so agreed upon by the parties thereto.

SEC. 10. *Appropriation.*—The sum of seven thousand five hundred dollars ($7,500) annually, or so much thereof as may be necessary, is hereby appropriated to carry out the purposes of this act. * * *

ACTS OF 1919

CHAPTER 39.—*Factory, etc., regulations—Gas masks*

SECTION 1. *Masks to be furnished.*—Whenever, in the course of their duties or employment, workmen are required to carry on their work in any inclosed room, apartment, building, basement, or other structure, or other inclosure, not wholly in the open air, in which inclosure there may be accumulations of dangerous, noxious, or deleterious gases, it shall be the duty of the person, firm, or corporation for whom such work is being performed to supply such workmen with serviceable gas masks to be worn while such work is being performed.

SEC. 2. *Violations.*—[Violations entail a fine, $50 to $500. The industrial board shall execute and administer the provisions hereof.]

CHAPTER 192—*Free public employment offices*

[Sections 1–3 relate to the formation of an employment commission. This was abolished by ch. 3, Acts of 1920, and its powers and duties conferred upon the industrial board.]

SECTION 4. *Employment commission.*—It shall be the duty of the employment commission, and it shall have power, jurisdiction, and authority

SEC. 4. (*a*) *Establish offices, duties.*—To establish and conduct free employment offices in the State where in the opinion of the commission such action may be deemed advisable and expedient to public welfare; to do all in its power within the limitations of this act to bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means within its power to avoid unemployment; to provide employment and to prevent distress from involuntary idleness, and to extend vocational guidance to minors seeking employment.

SEC. 4. (*b*) *Establish sections.*—To establish and maintain such sections of the employment service as will best serve the public welfare and which shall include—

1. Men's section.
2. Woman's section.
3. Farm labor section.
4. Soldiers' and sailors' section, whose duties shall include complete cooperation with the Federal Board for Vocational Education, division for rehabilitation of crippled soldiers and sailors in endeavoring to secure suitable employment and fair treatment of the veterans of the World War.
5. Junior section, whose duties and authority shall include: Jurisdiction over all matters contemplated in this act pertaining to securing employment for all minors who avail themselves of the free employment service; so to conduct its affairs that at all times it shall be in harmony with laws relating to child labor and compulsory education; to aid in inducing minors over sixteen, who can not or do not for various reasons attend day school, to undertake promising skilled employment; to aid in influencing minors who do not come within the purview of compulsory education laws and who do not attend day school to avail themselves of continuation or special courses in existing night schools, vocational schools, part-time schools, trade schools, business schools, vestibule schools, library schools, university extension courses, etc., so as to become more skilled in such occupations or vocations to which they are respectively inclined or adapted; to aid in securing vacational employment on farms for town and city boys who are interested in agricultural work and particularly town and city high school boys who include agriculture as an elective study; to cooperate with various social agencies, schools, etc., in group organization of employed minors, particularly those of foreign parentage, in order to promote the development of real, practical Americanism in a broader knowledge of the duties of citizenship; to investigate methods of vocational rehabilitation of boys and girls who are maimed or crippled, and to provide ways and means, subject to the approval of the commission, for minimizing such handicap.

SEC. 4. (*c*) *Advertising.*—To advertise in the columns of the newspapers or other media, for such situations as it has applicants to fill, and to advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Indiana or not; to collect, collate, and publish statistical and other information relating to the work under its jurisdiction; to investigate economic developments and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

SEC. 4. (*d*) *Local offices.*—To enter an agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and for the extension of vocational guidance to minors.

SEC. 4 (*e*) *Cooperation.*—By and with the advice of the governor to enter into any such cooperative agreement as may be deemed desirable by the commission with the U. S. Employment Service or such bureau of U. S. Department of Labor as the Secretary thereof may hereafter designate, or other Federal agency as Congress may hereafter authorize, for the purpose of securing financial aid from the United States Government for the establishment and maintenance of free public employment service and the extension of vocational guidance to minors under and by virtue of any such agreement

as aforesaid to pay from any funds appropriated by the State for the purpose of this act, any part or the whole of the salaries, expenses of rent, maintenance and equipment of offices, and other expenses necessary to the maintenance of the joint system provided for by such agreement.

SEC. 4. (*f*) *Reciprocal agreements.*—By and with the advice of the governor to enter into reciprocal and cooperative agreements with neighboring States in seeking a solution to such employment problems, which because of their peculiar nature are not local but extend beyond the borders of the State.

SEC. 4. (*g*) *Gifts.*—To receive, accept, and use in the name of the people of the State or any community or municipal corporation, as the donor may designate by gift or device, any moneys, buildings, or real estate for the purpose of extending vocational guidance to the minors of the State, and for the purpose of giving assistance to deserving maimed or crippled boys and girls through vocational rehabilitation.

SEC. 5. *Local authorities.*—It shall be lawful for the governing authorities of any municipality, county, township or school corporation in the State to enter into cooperative agreement with the employment commission, and to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon, and for the extension of vocational guidance to minors.

SEC. 6. *Fees forbidden.*—It shall be unlawful for any officer, employee, or agent of the aforesaid employment commission to charge or receive, directly or indirectly, from persons applying for employment or help through said free employment offices, or from any person who becomes the beneficiary of the services of any division of the employment commission, any fee, compensation, or anything of value, and any officer or employee who shall directly or indirectly accept any fee or compensation from any applicant or beneficiary, or from his or her representative, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars and not more than fifty dollars, to which may be added imprisonment in the county jail for not more than thirty days.

SEC. 9. *Appropriation.*—There is hereby appropriated annually, from the general funds of the State of Indiana, the sum of thirty-eight thousand dollars ($38,000) for the purpose of enforcing and administering the provisions of this act.

SEC. 11. *Definitions.*—The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other persons having control or custody of any employment, place of employment, or any employee.

The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment or to go or work or be at any time in any place of employment.

ACTS OF 1920—EXTRA SESSION

CHAPTER 3.—*Free public employment offices*

[Section 1 abolishes the employment commission created by ch. 192, Acts of 1919, and transfers its powers and duties to the industrial board.]

SECTION 2. *Who to have charge.*—The industrial board shall from time to time designate one of their members who shall have immediate charge of the free employment service in Indiana and who shall be known as and shall, in addition to any other duties he may be required to perform, act in the capacity of the State director, Indiana free employment service. In establishing and maintaining such sections of the free employment service as will best serve the public welfare, the woman's section of the free employment service as now provided by law shall be consolidated with the department of women and children in the industrial board and all rights, powers, and duties of such woman's section shall be exercised and discharged by the director of the department of women and children.

ACTS OF 1921

CHAPTER 86.—*Employees' stock, profit-sharing, etc.*

SECTIONS 1–3. *Powers of corporations.*—[Corporations formed under the laws of the State for manufacturing, mining, mechanical, chemical, or build-

ing purposes may fix conditions under which they may issue or sell capital stock to their employees, share profits, and provide medical services, insurance, old-age pensions, recreation, and make provisions for their general welfare.]

CHAPTER 132.—*Employment of children*

SECTION 1. *Attendance officers.*—[The appointment of an attendance officer for each school attendance district is provided for.]

SEC. 2. *Powers.*—[Attendance officers and school officials may enter any place where minors are employed, to enforce this act.]

SEC. 5. *School attendance.*—[Children must attend school until 16 except as otherwise provided.]

SEC. 6. *Work permits.*—[Children over 14 and under 16 who have completed eight grades of school may procure an employment certificate.]

SEC. 18. *Age limit.*—[Employment under 14 in any gainful occupation other than farm labor or domestic service is forbidden, with no employment whatever during school hours.]

SEC. 19. *Certificates.*—[Certificates are required to 18. If the employer requests, a certificate for a minor over 18 it must be furnished. The superintendent of schools is the issuing officer; must have proof of age, of physical fitness, of schooling, and of prospective employment.]

SEC. 20. *Physical examination.*—[Whenever required, minors between 14 and 18 employed in other than farm and domestic service must submit to a physical examination by a medical inspector or designated physician; females may have female physicians as inspectors.]

SEC. 21. *Work time.*—[Boys under 16 and girls under 18 may not be employed at other than farm labor or domestic service more than 8 hours per day nor more than 48 hours or 6 days per week, nor between 7 p. m. and 6 a. m. Schedule of hours and register of names of minors under 16 must be posted.]

SEC. 22. *Employments forbidden; sixteen years.*—No minor under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in any of the following occupations: Oiling, wiping or cleaning machinery or assisting therein; operating or assisting in the operation of, or off-bearing at any of the following machines or apparatus, whether power driven or not: Circular or band saws; wood shapers; wood joiners; planers; stamping machines used in sheet metal or tinwork manufacturing; stamping machines in washer or nut factories, or any other stamping machine used in stamping metal; boiler or other steam-generating apparatus; dough bakers or cracker machinery of any description; wire or iron straightening machinery; rolling-mill machinery; punch; shears; drill press; grinding or mixing mills; calendar rolls in rubber manufacturing; laundry machinery; corrugating rolls of the kind used in roofing and washboard manufacturing; metal or paper cutting machines; corner-staying machines in paper-box factories; assorting, manufacturing or packing tobacco; in or about any mine, quarry, or excavation; or in any hotel; theater; bowling alley; or in any other occupation dangerous to life or limb; or injurious to the health or morals of such minor.

SEC. 23. *Same; eighteen years.*—No minor under the age of eighteen years shall be employed, permitted or suffered to work in any capacity in any of the following occupations: Oiling and cleaning moving machinery; in the operation of emery wheels except for the sharpening of tools used by an apprentice in connection with his work; or at any abrasive, polishing or buffing wheel; in the operation of any elevator, life [lift], or hoisting machine; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high explosives are manufactured, compounded or stored; in dipping, dyeing or packing matches; in any saloon, distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped, or bottled; or in any other occupation dangerous to life or limb, or injurious to the health or morals of such minor. No boy under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 6 o'clock in the morning or after 10 o'clock in the evening of any day; and no girl under eighteen years shall be employed in any capacity where such employment compels her to remain standing constantly.

SEC. 24. *Same; twenty-one years.*—No boy or girl under the age of twenty-one years of age shall be permitted to work in any public pool or billiard room,

SEC. 26. *Enforcement.*—[The State industrial board must enforce; obstruction or hindrance is unlawful.]

SEC. 27. *Penalties.*—[Fines for first and subsequent offenses, with imprisonment for repeated violations, are provided.]

SEC. 28. *Defenses.*—In all actions for damages for personal injuries by any minor or by his parent, guardian, or personal representative, because of his being employed, retained in employment, required or permitted to work in violation of any provision of sections 18 to 28, inclusive, of this act, the employer shall not be permitted to defend upon the ground that such minor had assumed any risk of the employment, or that the injury was due to the negligence of a fellow servant, or to the contributory negligence of such minor. In any such action it shall be sufficient to allege and prove that such minor was employed, retained in employment, required or permitted to work in violation of any provision hereof and that the injury arose out of such employment or the performance of such work.

ACTS OF 1923

CHAPTER 42.—*Department of mines and mining*

SECTION 1. *Department created.*—There is hereby created an administrative department to be known as the department of mines and mining.

SEC. 2. *Board; members; appointment; qualification.*—The powers and duties of the department of mines and mining is hereby vested in a board which shall consist of four members, who shall be appointed by the governor. Two of such members shall be practical coal miners, and two members shall be active and experienced coal operators. Of the four members originally appointed, one practical coal miner and one coal operator shall be appointed for terms of two years and one miner and one operator for terms of four years. Thereafter, all appointments shall be made for terms of four years. In any case, a member of the board shall serve until his successor shall have been appointed and qualified. The governor shall fill all vacancies occurring in the membership of the board for unexpired terms, and may remove any member of the board, after a hearing, for cause. The members of the board shall perform their services as such, free of charge to the State: *Provided, however,* That the members of the board shall receive traveling and necessary expenses incurred, while engaged in their official duties. The board shall organize by the election of a chairman, who shall serve for a term of one year. The chief mine inspector shall be ex officio, the secretary of the board, and shall keep the record of the official proceedings of the board. The board shall hold meetings at such times and places as it may determine. Special meetings in cases of emergency may be called by the chairman or the secretary of the board.

SEC. 3. *Chief mine inspector; assistants.*—The governor shall appoint a chief mine inspector for a term of four years. The chief mine inspector, with the approval of the governor, shall appoint five assistant mine inspectors for a term of four years. No person shall be appointed chief mine inspector, or assistant mine inspector who has not had ten years' experience as a practical miner. The governor may remove the chief mine inspector, and the chief mine inspector may remove any assistant mine inspector at any time, for cause. The chief mine inspector, with the approval of the governor, may employ and fix the salary and compensation of such clerks, stenographers and assistants, as may be necessary to carry on the work of the board.

SEC. 4. *Powers and duties.*—The department of mines and mining shall have the power, and it shall be its duty:

1st. To execute and administer the laws of this State concerning coal mines;

2d. To collect and diffuse information concerning the nature, causes and prevention of mine accidents, the improvements of methods, conditions, and equipment of mines, with special reference to health, safety, and the conservation of mineral resources, and the economic conditions respecting mining and the mining industry;

3d. To promote the technical efficiency of all persons working in and about the mines of this State and to assist them the better to overcome the increasing difficulties of mining;

4th. To supervise and direct the State mine inspection service;

5th. To submit any bills embodying recommendations for new, additional, supplemental or amendatory legislation, which the board may agree upon to the general assembly.

SEC. 5. *Construction of act; repeal; appropriation.*—(A) This act shall be interpreted and construed as additional and supplemental legislation to the laws now concerning coal mines, but all laws or parts of laws in conflict with the provisions of this act are hereby repealed, except that no act passed at this session of the general assembly shall be repealed hereby.

(B) All work or proceedings begun under the provision of any law which the department of mines and mining is by this act empowered to execute and administer, shall be concluded and determined by the department of mines and mining in accordance with the provisions of such law, and nothing contained in this act shall be construed to effect pending litigation growing out of, connected with, or based upon proceedings had under such law.

(C) For the purpose of carrying out the provisions of this act, the necessary money is hereby annually appropriated out of the general fund not otherwise used.

CHAPTER 64.—*Factory, etc., regulations—Buildings*

SECTION 1. *Building council.*—[An administrative building council is created, consisting of an administrative committee of 3 members—the chairman of the industrial board, the secretary of the State board of health, and the State fire marshal; and an advisory committee of 12 members—3 engineers, 3 architects, 3 contractors, and 3 building mechanics—submitted from the membership of their respective organizations, and appointed or removed by the administrative committee, with the approval of the governor. Terms are four years.]

SEC. 2. *Organization; compensation.*—[Each committee effects its own organization; members receive no compensation for their services.]

SEC. 3. *Meetings.*—[Regular meetings of the council are to be held quarterly.]

SEC. 4. *Administrative committee; powers, etc.*—It shall be the duty of the administrative committee and it shall have power, jurisdiction and authority: To administer, execute and enforce any and all laws now in force or hereafter enacted in this State relative to the construction, repair, or maintenance of places of employment and public buildings, as shall render the same safe and sanitary. To ascertain, fix and order such reasonable standards, rules, regulations, classifications, approval of plans and specifications of places of employment and public buildings as shall be necessary to carry out the purpose of this act. The majority of the administrative committee shall constitute a quorum for the exercise of the powers or authority conferred upon it. In case of a vacancy the remaining two members of the administrative committee shall exercise all the powers and authority of the administrative committee until such vacancy is filled.

SEC. 5. *Duty of advisory committee.*—It shall be the duty of the advisory committee to cooperate with the administrative committee in an advisory capacity to furnish such information as may be necessary, and to carry out such duties that may be conferred upon it by the administrative committee. The advisory committee shall not have power or authority to issue rules and regulations of its own volition, however: The committee may recommend to the administrative committee such rules and regulations as are deemed practical, applicable, and considered necessary.

SEC. 6.—*Regulations binding on employer and owner.*—Every employer and every owner of a place of employment or a public building now or hereafter constructed shall so construct, repair, or maintain such place of employment or public building, and every architect, engineer, or any one who designs a building shall so prepare the plans and specifications for the construction of such place of employment or public building, as to render the same safe and sanitary, in accordance with the rules and regulations as promulgated by the administrative committee.

SEC. 7. *Supervisory authority.*—The administrative committee is hereby authorized and empowered to exercise such supervision of every place of employment and public buildings in the State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such places of employment or public buildings to be safe, sanitary, and to secure the protection of the life, health, safety, and welfare of every employee in and every frequenter of such place of employment, and the safety of the public or tenants in any such public buildings.

SECS. 9, 10. *Enforcement.*—[Enforcement is to be in cooperation with local officials. Times for compliance may be fixed and extensions granted by the administrative committee.]

SEC. 11. *Appeals.*—[Employers dissatisfied with orders may appeal to the circuit court of local jurisdiction.]

SEC. 12. *Violations.*—[Penalties for violations are fines of not less than $10 nor more than $100.]

SEC. 13. *Definitions.*—[Terms are as commonly used. "Frequenter" is a person other than an employee who is in a place of employment "under circumstances which render him other than a trespasser." "Public building" means a "structure used in whole or in part as a place of resort, assemblage, loading, trade, traffic, occupancy, or use by the public, or by two or more tenants."]

CHAPTER 69.—*Railroads—Height of wires over tracks*

SECTION 1. *Regulation.*—[The public service commission is authorized to regulate the crossing of railroad and street railway tracks by electric power transmission and distribution wires; but wires may not be less than 22 feet above the rails.]

CHAPTER 177.—*Mine regulations*

SECTION 1. *Definitions.*—(A) The term "mine" as used in this act includes the working in every shaft, slope or drift which is used or has been used, in the mining and removing of coal from and below the surface of the ground. The term "operator" as used in this act, is hereby defined to mean any corporation, company, firm, person, proprietor, lessee, or occupier of any coal mine in this State or any person upon whose account the mine is operated.

SEC. 2. *Maps.*—(A) The operator of each mine shall make or cause to be made, an accurate map or plan of the workings of such mines on a scale of not less than two hundred feet to one inch, showing the area mined or excavated, the arrangement of haulage roads, air courses, break throughs, brattices, air bridges, or overcasts, and doors used in directing the air currents in such mine, the location and connection with such excavation of the mine of the lines of all adjoining lands with the names of the owners of such land so far as known, marked on the map. Such map shall show a complete working of the mine, and, when completed, shall be certified to by the operator, agent or engineer making the survey or map to be a true and correct working map of said mine.

(B) The operator or agent shall deposit with the chief inspector of mines a true copy of such map within thirty days after the completion of the survey of the same, the date of which shall be shown on each copy, the original map and survey to be kept at the office of such mine open for inspection of all interested persons at all reasonable times. Such map and copy thereof, shall be extended each year between the first day of May and the first day of September, and shall be filed as required in making the original survey showing the exact workings of the mine at the date of the last survey.

(C) At the request of the operator of any coal mine the owner of the land, the miners working therein or other persons interested in the workings of such mine, the chief inspector of mines shall make, or cause to be made, an accurate map of the workings thereof, on a scale of not less than two hundred feet to the inch, showing the area mined or excavated and the location and connections of the mines of all adjoining lands therewith, and the names of the owners of such lands so far as known. Such map shall be sworn to by the surveyor to be a correct map of the workings of such mine, and shall be kept on file in the office of the chief inspector of mines for examination at all times. All expenses shall be paid by the party causing such survey and map to be made. In case the operator of any mine shall fail or refuse to furnish a map as required by this law it shall be the duty of the chief inspector of mines to appoint a competent mining engineer to make the survey and maps and file and deposit them as required by law, and for his service he shall be entitled to a reasonable fee to be paid by the party whose duty it was to make such survey and map, and shall be entitled to a lien on the mine and machinery to the same extent as is now provided by law for other work and labor performed in and about the mines of this State.

(D) Upon the payment of the fees, the chief inspector of mines shall make within a reasonable time, and deliver to the party so demanding the same, an accurate copy of any map or plan on file in his office.

(E) The original map or plan of any coal mine or the copy filed with the chief inspector of mines or a certified copy, issued under the hand and seal of such inspector, shall be evidence in any court of record in this State.

(F) In order that the maps, reports and other records, pertaining to the office of the chief inspector of mines may be properly preserved, a room shall be set aside and furnished in a suitable manner as an office for said inspector.

(G) It shall be obligatory upon the operators of adjoining coal properties to leave or cause to be left a pillar of coal, 15 feet in width on each side of the property line in each seam or vein of coal worked by them.

SEC. 3. *Rights of adjoining land owners.*—(A) The tenant or occupant of any land or lands on which a coal mine is opened and operated, the person or persons operating such mine, or the agent of any of them, shall permit any person or persons interested in or having title to any land or lands coterminous with the land or lands on which such mine is located, to have ingress and egress together with surveyors and assistants, into said mine, for the purpose of measuring, exploring and surveying such mine, for the purpose of ascertaining whether or not any coal has been, or is being, mined and taken from the lands so owned by such person or persons; it being provided that such survey and measurements shall be made not oftener than once a month and shall be made at the expense of the party making such measurements or survey.

(B) Any land owner, tenant, occupant, agent or mine operator, who shall refuse permission to permit such measurements, exploration or survey, as provided for above, shall forfeit the sum of one hundred dollars ($100) for each refusal to the person so refused, which shall be collectible by suit in any court of competent jurisdiction in the State.

(C) If the owner of any coterminous land, or his agent desires to make an examination, measurement or survey of any such mine or any part thereof, situated and operated on adjoining lands, then the operator or superintendent of such mine shall, upon demand, provide every proper facility for making such survey with accuracy and safety to the owner of such coterminous land or to any surveyor or assistants who may make such examination or survey, by driving good air into, dangerous gases from, the part to be so examined and surveyed, and shall remove any obstructions that will prevent such survey, and shall provide any assistance if so called for by the surveyor, so that the encroachments, if any, on such coterminous lands may be clearly determined by such examination or survey. Any persons violating paragraph "C" of this section shall forfeit twenty dollars ($20) a day for each day which he refuses to comply with such demand, which amount such coterminous owner may collect by suit in any court of the State.

SEC. 4. *Abandoned workings.*—(A) Before a mine or any part of a mine is abandoned, the owner or agent shall make a survey showing the farthest extremity of the workings of such mines, and a map thereof made and filed within thirty days thereafter at the office of the county recorder in the county where such mine is located; said map shall have attached thereto the affidavit of the mining engineer making the map, and of the mine boss in charge of the underground workings of said mine. Such map shall be properly labeled and filed by the recorder and preserved as a part of the records of the land on which said mine is located, and the recorder shall receive for said filing from said owner or agent a fee of fifty cents.

(B) The entrance of an abandoned mine shall be securely fenced off by the owner of said land on which said entrance is located, so that no injury can arise therefrom.

(C) When approaching abandoned workings which are supposed to contain dangerous accumulation of water or gases, the excavation approaching such places shall not exceed eight feet in width, and there shall be constantly kept, at a sufficient distance (not less than three yards in advance) one bore hole near the center of the workings and sufficient flank bore holes on each side.

(D) When two or more veins are worked in the same mine, they shall be so operated that no danger will occur to the miners working in either vein.

SEC. 5. *Escape shaft; number of workmen.*—(A) It shall be unlawful for any operator to allow more than ten (10) persons to work in any mine at any one time after five thousand (5,000) square yards have been excavated, until a second outlet shall have been made: *Provided*, That all air and escape shafts sunk hereafter, shall be separated from the hoisting shaft by at least two hundred (200) feet of natural strata, and shall be provided with stairways not less than two (2) feet in width, at an angle of not more than fifty (50) degrees, with landings at easy and convenient distance, and

with guard rails attached to each set of stairs from the top to the bottom of the same, and shall be available at all times to all employees engaged in such mines. *Also, provided*, That the stairways, landings and guard rails shall be of suitable design and strength to accomplish the purpose for which they are intended, and shall be kept free from obstructions. And that when the escape and air shafts are combined, the escape shaft and air shaft shall be separated by a good, substantial partition from top to bottom: *Provided, further*, Where the approach or approaches to the escape shaft crosses an air course, entry or other passageway used as an air course, either as an intake or return, the air current shall be conducted by an overcast or undercast, over or under the point where such approaches cross the air course, and that all approaches to escape shafts shall be kept free from falling slate, mine tracks, mine cars and other debris, and shall be used only as a means of ingress or egress to or from the escape shaft.

(B) All water coming from the surface or out of any strata in such shaft shall be conducted by rings or otherwise to prevent it from falling down the shaft and wetting persons who are descending or ascending the shaft.

(C) In lieu of the stairway hereinabove provided for, the operator may provide at such outlet or escape shaft a hoisting apparatus, which shall be at all times available to all persons in the mine, the same signals to be used as provided by law for use at hoisting shafts.

(D) The traveling roads or gangways to said outlet shall be separated from the hoisting shaft by at least two hundred (200) feet of natural strata, and not less than four (4) feet in height and four (4) feet wide, and shall be kept as free from water as the average haulage roads in such mines.

(E) At all points where the passageway to the escapement shaft or other place of exit, is intersected by other roadways or entries, conspicuous boards shall be placed indicating the direction it is necessary to take in order to reach such place of exit.

(F) It shall be unlawful to erect any inflammable structure or building or powder magazine on the surface so near the escapeway as to jeopardize the safety of the workmen in case of fire.

(G) Fans shall be located and maintained at such place as not to be directly over the opening of an air shaft or escapement shaft, and all fans hereafter installed shall be arranged so as to enable the operator, when desirable, to reverse the air current: *Provided further*, That escape shafts already constructed under the provisions of the law prior to the year 1913 shall not be affected by this act, except, they shall be maintained according to the provisions herein.

(H) All escape shafts and underground approaches thereto shall be examined at least once each week, or oftener if necessary, to keep same in safe condition.

SEC. 6. *Hoisting apparatus.*—(A) The rope used for hoisting and lowering in every mine shall be a wire rope, and it shall be securely fastened to the shaft of the drum where two separate ropes are used, and at least one whole lap shall remain on the drum when the cage is at rest on the lowest caging place in the mine, and it shall be examined by some competent person every morning before the men descend into the mine.

(B) The operator of every mine shall provide a cover ¼-inch boiler plate overhead on all carriages or cages used for lowering or hoisting persons into and out of the mines, and on top of every shaft an approved safety gate; also an approved safety spring on top of every slope. Approved safety catches shall be attached to every cage used for the purpose of hoisting or lowering persons.

(C) All persons are prohibited from riding on the cages when coal or dirt is being hoisted.

(D) It shall be unlawful for any person desiring carriage upon any cage to approach nearer than six (6) feet to any "cage" landing when such cage is not at rest at such landing; or to crowd onto said cage in a rude or boisterous manner; or to enter upon any such cage when there are already upon the same, one person for each three square feet of the floor space of such cage: *Provided*, That nothing herein contained shall effect any person in charge of the operation of such cage, or the machinery moving or affecting the same: *And, provided further*, That, as many persons may, after the passage of this act, enter a cage for carriage as the same will accommodate, giving each person three square feet of floor space.

(E) An adequate brake shall be attached to every drum used for lowering or raising persons into or out of all shafts or slopes.

(F) An approved indicator shall be attached to every hoisting apparatus in addition to any mark on the rope, which shall show to the hoisting engineer the position of a cage or load in the shaft or slope.

(G) The operator of every mine shall keep the top and the entrance thereof securely fenced off by vertical or flat gates, covering and protecting the mouth of such mine. Two lamps shall be kept lighted at all times when the mine is in operation, except when electric lights are used, one on each side of the shaft, not more than ten (10) feet from said shaft in each vein where men get on or off the cages. There shall be gates hung at each vein, other than the lower one, so that at all times, except when coal is actually being placed on the cage, or when empty cars are being taken off the cage, there shall be a barrier preventing any one falling into the shaft.

(H) The operator shall not place in charge of any engine used for conveying into or hoisting out of any mine any but certified and sober engineers.

(I) The engineer in charge of such engine shall allow no person, except such as may be deputed for that purpose by the operator or agent, to interfere with it or any part of the machinery, and no person shall interfere, or in any way intimidate the engineer in the discharge of his duties. He shall not permit any one to loiter in the engine room, and he shall hold no conversation with any officer of the company or other person while the engine is in motion, or while his attention should be occupied with the business of hoisting. A notice to this effect shall be posted on the engine house in some conspicuous place. He shall thoroughly inform himself of the established code of signals. Signals must be delivered in the engine room in a clear and unmistakable manner, and when the signal is received that men are on the cage, said cage shall not travel to exceed 600 feet per minute.

SEC. 7. *Signals and speaking tubes.*—(A) The operator of every mine shall provide and maintain a metal tube from the top to the bottom of the mine, suitably adapted to the free passage of sound, through which conversation may be held between persons at each vein and the top of the mine.

(B) There shall be a code of signals at all mines, with a signal bell at the top and bottom of each mine. One bell shall signify to hoist coal, or empty cage, and also to stop either when in motion; two bells shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage and ring one bell to hoist; four bells shall signify to hoist slowly, implying danger. The engineer's signal for men to get on the cage shall be three bells. A whistle may be used at the top of the mine instead of a bell. A copy of the above code of signals shall be printed and conspicuously posted at the top and bottom of the shaft and in the engine room.

SEC. 8. *Weighmen; inspection.*—(A) The operator of every mine at which the miners are paid by weight, shall provide suitable and accurate scales of standard manufacture for the weighing of coal which may be procured from such mines; such operator shall be required to keep United States standard weights to test said scales.

(B) At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the checkweighman to examine and balance the scales each morning, and in no case shall any coal be weighed until such scales are tested by the United States standard weights and found to be correct. Said weighman shall accurately weigh, and he shall, together with the checkweighman, record the weight of each miner's car of coal delivered, which record shall be kept open at all reasonable hours for inspection of all miners or other persons pecuniarily interested in the product of such mine: *Provided*, That if the weighman and checkweighman shall disagree, work may continue until the chief inspector of mines can be present, and any erroneous weights made during such time shall be rectified. When difference shall arise between the weighman and checkweighman, or operator, of any mine as to the correctness of the scales, the same shall be referred to the chief inspector of mines, whose duty it shall be to see and regulate the same at once.

(C) The chief inspector of mines, and miners employed in the mine, the owner of the land and others personally interested in the royalty or rental of such mine, shall, at all proper times have full right of access to make examination of scales or apparatus used for weighing coal in or about said mine, including the records in which the weights of coal are kept, to determine the amount of coal mined, for the purpose of attesting the accuracy thereof.

SEC. 9. *Checkweighman.*—(A) Whenever the mining of coal is paid for by weight, the miners employed in mining the same shall have the right of selecting and keeping in the weight office, or at the place of weighing the coal, a checkweighman, who shall be vested with the same rights as described in section "8" of this act, said checkweighman to be paid by said miners.

SEC. 10. *Ventilation; examination.*—(A) The operator of every mine shall provide and maintain, hereafter, for every such mine, a sufficient amount of ventilation affording not less than 100 cubic feet of air per minute for each and every person employed therein, and 300 cubic feet per minute for each mule, horse, or other animal, in said mine, measured at the intake of the split or subdivision of the air, and as much more as the circumstances require. It shall be forced and circulated around main entries, cross entries, and working faces throughout the mine, so that all open places shall be free from standing gas of whatsoever kind, to such an extent that the entire mine shall be in a fit state at all times for the men working therein, and will render harmless all noxious or dangerous gases generated therein.

(B) Every mine where fire-damp is known to exist, shall be carefully examined with a safety lamp by a certified competent fire boss, immediately before each shift, and in making said examination, it shall be the duty of the fire boss at each examination, to leave at the face of every place examined, evidence of his presence; and it shall be unlawful for any person to enter any mine or part of mine generating fire-damp, until it has been examined by the fire boss and reported by him to be safe. The fire boss shall, further, report any injury or defects in the brattices, trap doors, regulating doors, and overcasts, where such injury or defect may cause a derangement or diminution of the ventilating air current. The fire boss shall make note of, and report any dangerous or unlawful conditions in the working places of the mine, and report the same in a suitable manner to the mine boss, whose duty it shall be to see that such dangerous or unlawful conditions are corrected and made safe before men shall enter therein.

(C) The ventilation required by this act, may be provided by any suitable appliance or appliances, but in no case shall a booster fan be installed in the inside workings of a mine engendering dangerous explosive gases, without having secured a permit from the chief inspector of mines in writing, to install such booster fan: *Provided*, That this provision relating to booster fans, shall not be applicable to mines using booster fans prior to the year 1921.

(D) In case that a furnace is used for ventilation purposes, it shall be built in such a manner as to prevent the communication of fire to any part of the workings, by lining the upcast with incombustible material, for a sufficient distance from the said furnace. But in no case, shall a furnace be used at the bottom of the shaft in the mine for the purpose of producing a hot upcast of air, where hoisting appliances and buildings are built directly over the shaft.

(E) The operator shall employ a certified, competent mine boss who shall be an experienced coal miner, and shall keep careful watch over the ventilating equipment, and the airway, and shall see, that as the miners advance their excavation, all loose coal, slate, and rock overhead, are taken down, or carefully secured against falling on the traveling airways.

(F) The mine boss shall measure the air currents at least once a week at the inlet and outlet, and at or near, the face of the entries; he shall keep a record of such measurements, which shall be entered in a book kept for that purpose; the said book shall be open for inspection of the chief inspector of mines. The mine boss shall also, on or about the first day of each month, mail to the chief inspector of mines a true copy of such air measurements, stating also the number of persons employed in or about said mine, the number of mules and horses used, and the number of days worked in each month. Blanks for this purpose shall be furnished by the state to the chief inspector of mines, and by the chief mine inspector to each mine boss.

(G) The currents of air in mines shall be split so as to give separate currents to not more than seventy-five persons at work, and the chief inspector of mines shall have discretion to order a separate current for a smaller number of men, if special conditions render it necessary.

(H) Whenever the chief inspector of mines shall find men working without sufficient air, or under any unsafe conditions, he shall first give the operator a notice, giving the facts, and a reasonable time to rectify the same, and upon his failure to do so he may order the men out of the mine, or portion of said mine, and at once order said mine or part thereof, stopped, until such mine,

or part of mine shall be put in proper condition. And the chief inspector of mines shall immediately bring suit against such operator, for failure to comply with the provisions of this section.

(I) "Break throughs" or airways shall be made in each room and entry at least every forty-five feet. All "break throughs" or airways, between entries, except those last made near the working face of the entry, shall be closed up and made air tight.

(J) The doors used in assisting or directing the ventilation of the mine when coal is being hauled through them, shall be opened and closed by the persons designated to do the same, so that the drivers or other persons may not cause the doors to stand open, but nothing herein shall prevent the use of automatic or mechanical doors, subject to the approval of the chief inspector of mines.

(K) In case the roadways or entries of any mine are so dry that the air becomes charged with dust, such roadways or entries shall be regularly and thoroughly sprinkled. And it shall be the duty of the chief inspector to see that this provision is carried out.

(L) In every mine where it is necessary to keep up continuous ventilation, there shall be installed and maintained a device which will make a record disclosing the steam or other pressure at all times, and such record shall be preserved for inspection at any time.

(M) Whenever an abandoned, or worked-out portion of a mine generates, or is liable to generate, dangerous mine gases in such quantity as to jeopardize the safety of the men working in said mine, and the said gases can not be removed or rendered harmless by ventilating currents of air without endangering the safety of the men working in said mine, the operator thereof, may, if he shall so elect, seal off said abandoned or worked out area of said mine, with approved seals of concrete or masonry, so constructed as will insure air-tight sealing up of said abandoned or worked-out area. Said seals shall be firmly imbedded at the bottom and top, and with end hitchings in the ribs of the coal, so as to insure the greatest factor of strength therefrom. Said seals shall be of sufficient thickness and strength as will resist any external or internal pressure against such seals. There shall be imbedded within such seal, a gas pipe, in such a manner as will afford an opportunity to determine the contents and pressure within said sealed off territory. Said gas pipe shall be provided with a valve, which, when closed tight, shall be securely locked, so as to prevent any tampering therewith by an unauthorized person. Examination of the seals, and the pressure within said seals, shall be made once each week, and a report of the condition of such seals and pressure shall be sent to the chief inspector of mines upon the monthly air reports. Samples of the contents within said seals of the mine shall be taken at least every three months and analysis made thereof. A copy of the result of said analysis with a sample of said contents shall be sent to the chief mine inspector for verification every three months and oftener should conditions require it. Releasing of gas from the sealed off territory shall be through a pipe line, and in such manner as will not endanger the safety of the men in the mine: *Provided, however*, That drill holes from the surface to sealed off territory, within the mine, may be used in lieu of other means of drainage of said mine gases from the enclosed territory.

SEC. 11. *Electricity.*—(A) In all coal mines of the State of Indiana, all trolley wires crossing places on main haulage roads where persons or animals are required to travel, shall be safely guarded and protected by substantial, efficient board, or other guards, so that such person or animal passing thereunder shall not come in contact with said trolley or other live wire.

(B) All trolley wires, when placed along travelways or haulage roads, shall be placed on one side of said haulage road and trolley wire shall not be placed less than five inches outside of the rail or track.

(C) All underground trolley wires shall be securely supported upon efficient and approved insulated hangers, and all trolley wires kept taut at all times.

(D) There shall be an efficient headlight on all motors in mines, when in use.

(E) On every motor trip of cars on the main haulage roads, there shall be an efficient bell, red light, or other device approved by the department of inspection of mines and mining upon the rear end of said trip, and the motorman in charge of said motor is hereby prohibited from making said trip unless one of said devices is properly placed thereon.

(F) Hereafter where electricity is installed no higher than two hnndred seventy-five (275) volts shall be used undergronnd, except for transmission, or for application to transformers or other apparata, where the high voltage circnit is stationary. High voltage motors and transformers shall be installed in snitable chambers, bnilt of fireproof constrnction, and well ventilated, and shall not be placed on intake, or between intake and return air courses. All high voltage lines and apparata mnst be clearly marked, to indicate their danger. Main and distribution switchboards for high voltage shall be made of insulating and incombustible material, such as marble or slate, and to be free of all metallic veins, or of material equivalent thereto. Same shall be installed in a dry place. All switches or other instrnments used in connection with high voltage shall be installed on snitable switchboards, with at least three-foot passageway in front and rear properly floored, and kept locked by a door at each end that can be opened from the inside without a key. With higher than medinm voltage, there shall not be any live metal work on the front of switchboard, and the entry circuit must be protected by an oil breaker switch on each pole equipped with antomatic overload trip.

(G) To insnre safety, all conductors with higher than medium voltage shall be provided with sufficient insulation of standard manufacture and steel armored covering, or its eqnivalent, covering to be grounded at least every four hnndred (400) feet. No gronnding of phase of alternating current shall be permitted. All branch trolley lines shall be provided with automatic trolley switches, or sectional insnlators, or line switches, or other devices to cut off the cnrrent. All joints and conductors shall be mechanically and electrically efficient. When joints are completed, they shall be insulated to the same extent as the rest of the wire. Both rails on main haulage roads shall be bonded and cross-bonded at points not to exceed three hundred (300) feet apart. All apparata, such as transformer cases or switch cases, generators or motor frames and pipe work on rear of switchboards, shall be properly grounded.

(H) By low voltage herein is meant a voltage of less than one hundred ten (110) volts. By medinm voltage herein is meant a voltage ranging from one hundred ten (110) volts to two hundred seventy-five (275) volts. By high voltage herein is meant a voltage above two hundred seventy-five (275) volts.

SEC. 12. *Explosives.*—(A) It shall be unlawful to have any keg of powder or part thereof or other explosive in the mine except in a tight wooden box, the type and kind to be approved by the department of inspection of mines and mining, secured by a suitable lock, and snch box shall not be placed at a less distance than seventy-five (75) feet from the working face: or to have any detonator or dynamite caps within five feet of any powder, dynamite, or other explosives, or to have more than ten detonators, or dynamite caps at any one time. Said detonators or dynamite caps shall be placed in a secure container, and shall not be placed nearer than five feet from any powder, dynamite, or other explosive.

(B) Whenever any person is about to open a keg or box containing powder or other explosives, he shall place and keep his light at least five feet distant from said explosive, and in such position that the air current can not carry sparks to it; and no person shall approach nearer than five feet to any open box or keg containing powder or other explosives with a light or pipe or any other thing containing fire.

(C) It shall be unlawful for any person to take or have in his possession, or under his control within any coal mine in the State of Indiana, any dynamite cap, dynamite, or other high explosive without first obtaining in writing the consent of the mine foreman or other person in charge of the operation of said mine, setting forth the use for which any such cap or explosive may be particnlarly intended.

(D) It shall be unlawful for any person for the purpose of blasting coal in any mine in this State to prepare any "shot" in such a way that the distance from the drill hole to the "loose end," chance, or end of cutting shall be more than five feet, measured at right angles to the direction of the hole: or to place any charge of powder, or other explosive, in any drill hole prepared for any "shot," in which the breast of coal to be dislodged is of greater width than the depth of the drill hole; or to use in preparing any "shot," more than six pounds of powder; or to place any powder in any drill hole for the purpose of preparing any "shot," without measuring the amount so placed therein with a substantial measure so made as to indicate the weight of blasting powder

measured therein; or to open a keg, can, or other package containing powder, by means of a pick or in any other manner except in pursuance of the manner provided in the manufacture of such keg, can, or package; or to sell or offer for sale any keg, can, or package containing powder, unless such can, keg, or package be provided with a sufficient device for opening the same, and permitting the discharge therefrom of all the powder therein contained; or to store any blasting powder, dynamite, or other high explosive in any coal mine; or to prepare any drill bit more than three and one-quarter (3¼) inches in diameter, to be used in boring holes for the purpose of preparing any shot; or to use any dynamite or other high explosive in conjunction with black powder. It shall be unlawful for any operator or lessee of any coal mine, coal shaft, or slope coal mine to refuse, fail, or neglect to sharpen and prepare for use any bit for preparing drill holes, if such bit is three and one-quarter (3¼) inches in diameter, or less, and such operator, or lessee, or his representative, has been requested to prepare and sharpen the same by any owner of such bit or bits.

(E) It shall be unlawful for any person for the purpose of blasting coal in any mine in this state, except in any mine producing block coal, to drill any hole past the end of his cutting, "loose end" or "chance."

(F) If, upon inspection of any working place in any coal mine, there shall be found the remnants of drill holes drilled past the cutting, loose end or chance, or the remnants of any shot measuring more than the maximum width, or if any miner shall be found to have in his possession in his working-place, any keg, can or package, containing powder, and which has been opened in any other manner than that provided by law, the same, or either thereof respectively, shall be, and constitute prima facie evidence that the workman in whose working-place such evidence is found, is guilty of a violation of paragraphs "D," "E" and "G" of this section, or a part thereof as the case may be.

(G) It shall be the duty of the operator or owner of any coal mine wherein fire clay or other noninflammable material suitable for use in tamping in preparing shots cannot be readily obtained, to provide and deposit within said mine, such material and at points within five hundred (500) feet from the face of each entry in such mine. In case any dispute may arise as to the duty of any such operator or owner thereunder, such dispute shall be finally determined by the chief inspector of mines.

(H) In the process of charging or tamping a hole, no person shall use any iron or steel needle or tool, except as herein provided. The needle used in preparing the blast shall be made of copper, and the tamping bar shall be tipped with at least five inches of copper. No coal dust or any material that is inflammable, or that may create a spark, shall be used for tamping, and some soft material shall be placed next to the cartridge, or explosive.

(I) It shall be unlawful in any coal mine for any person to explode or light any shot in any working place simultaneously with the explosion or lighting of any shot by the same, or any other person in any other working place on the same entry, except in working places where the coal is undercut by machinery.

(J) Blasting powder or other explosives shall not be taken into or out of a mine, or moved from place to place in a mine along any entry or haulage way where there are electric wires, while the power is on such wires, except when such powder or explosive is conveyed in approved insulated cars or packages.

SEC. 13. *Shot firers.*—(A) In all mines in this state where coal is blasted, and where more than ten (10) men are employed as miners, and where more than two (2) pounds of powder is used for any one blast; and also, in all mines in this state where gas is generated in dangerous quantities, the person, persons, firm or corporation operating such mine or mines, [shall employ at the expense of such person, persons, firm or corporation operating such mine or mines,] a sufficient number of practical, experienced miners, to be designated as shot firers, whose duty it shall be to inspect and do all the firing of all blasts, prepared in the manner required by the laws of the State of Indiana, concerning the preparation of shots or blasts in mines where shooting or blasting is done, in said mine or mines: *Provided*, That the employer shall be the judge of the qualifications of the said person employed as shot firer, and shall have the right to discharge said shot firer, for any reason the said employer shall deem sufficient, without recommendation or interference by the miners working in said mine.

(B) The shot firers shall, immediately after the completion of their work, daily post a notice in a conspicuous place at the mine, in which shall be indi-

cated the number of shots fired; also the number of shots they did not fire, if any, specifying the number of the room and designation of the entry, and giving the reasons for not firing the same.

(C) In addition they shall also keep a daily permanent record, in which shall be entered the number of shots or blasts fired, the number of shots or blasts failing to explode and the number of shots or blasts that in their judgment were not prepared in the manner required by the laws of the State of Indiana concerning the preparation of shots or blasts in mines where shooting or blasting is done and which they refuse to fire, giving reasons for same; the record to be in the custody of the mine managers, and to be available for inspection at all times by parties interested, and public officials.

(D) The superintendent or mine manager shall not permit the shot firers to do any blasting, exploding of shots, or do any firing whatever, until each and every miner and employee is out of the mine except the shot firers, mine superintendent, mine manager and man or men necessarily engaged in charge of the pumps and stables: *Provided, however,* That nothing in this section shall be construed to prohibit the employment in such mine of a reasonably necessary number of men, during such time for the purpose of securing the workings in case of fire therein.

(E) No miner or other person shall alter or change any drill hole, by increasing its depth, diameter, or otherwise, after the same shall have been approved by the shot firer.

(F) No shot firer, whether voluntarily, or by command or request of any person, shall fire any unlawful shot, or any shot which in his judgment, exercised as aforesaid, from his inspection thereof, made as aforesaid, shall not be prepared in the manner required by the laws of the State of Indiana concerning the preparation of shots or blasts in mines where shooting or blasting is done.

(G) No person or persons shall order, command, or induce by threat or otherwise, any shot firer to fire any unlawful shot, or any shot which in his judgment after due inspection, shall not be prepared in the manner required by the laws of the State of Indiana, concerning the preparation of shots or blasts in mines where shooting or blasting is done.

(H) *Violations.*—[Violations are punishable by fine, $100 to $200, or imprisonment not exceeding three months, or both.]

SEC. 14. *Mine boss.*—(A) The mine boss shall visit and examine every working place in the mine at least every alternate day while the miners of such place are, or should be, at work, and shall examine and see that each and every working place is properly secured by timbering, and that the safety of the mine is assured. He shall see that a sufficient supply of timbers are always on hand at the miner's working place. He shall also see that all loose coal, slate, and rock overhead, wherein miners have to travel to and from their work, are taken down, or carefully secured.

(B) Whenever, such mine boss shall have an unsafe place reported to him, he shall order and direct that the same be placed in a safe condition; and until such is done, no person shall enter such unsafe place, except for the purpose of making it safe. Whenever any person working in said mine shall learn of such unsafe place he shall at once notify the mine boss thereof, and it shall be the duty of said mine boss to give him, properly filled out, an acknowledgment of such notice of the following form:

I hereby acknowledge receipt of notice from _____ of the unsafe condition of the mines as follows _____

Dated this _____ day of _____ 19___,

_____,

Mine Boss.

The possession by the person of such written acknowledgment shall be proof of the receipt of such notice by said mine boss whenever such question shall arise; and upon receipt of such notice, said mine boss shall at once inspect such place and proceed to put the same in good and safe condition. As soon as such unsafe place has been repaired to the approval of said mine boss, he shall then give permission for the men to return to work therein, but no person shall return to work therein until such repairs have been made and permission given.

(C) Whenever any accident whatsoever has occurred in any mine which shall delay the ordinary and usual workings of such mine for twenty-four consecutive hours, or has resulted in such injury to any person as to cause

death, or require the attendance of a physician or surgeon, it shall be the duty of the person in charge of such mine, to notify the chief inspector of mines of such accident, without delay.

SEC. 15. *Traveling-way timbers; first aid; life checks.*—(A) There shall be cut at the bottom of the shaft, a traveling way sufficiently high and wide to enable persons to pass the same in going from one side to the other, without passing over or under the cage.

(B) On all single track hauling roads, wherever hauling is done by power, and on all gravity or incline planes in mines, upon which the persons employed in the mines must travel on foot to and from their work, places of refuge must be provided in the side wall, not less than three (3) feet in depth, measuring from side of car, and four (4) feet wide and not more than twenty (20) yards apart, unless there is a clear space at least three (3) feet between the side of the car and the side of the wall, which space shall be deemed sufficient for the safe passing of men.

(C) On all hauling roads in which the hauling is done by draft animals, whereon men have to pass to and from their work on foot, places of refuge must be cut in the side wall at least two and one-half (2½) feet deep, measuring from the side of the car, and not more than twenty (20) yards apart, but such places shall not be required in entries from which rooms are driven at regular intervals not exceeding twenty (20) yards, and whenever there is a clear space of two and one-half (2½) feet between the car and the rib such places shall be deemed sufficient for the safe passage of men.

(D) All places of refuge shall be whitewashed and kept clear of obstructions, and no material shall be stored therein, excepting in cases of emergency, nor be allowed to accumulate therein.

(E) It shall unlawful for any operator, lessee, or agent, of any coal mine within the State of Indiana, to make, dig, construct or cause to be made, dug or constructed, any entry or trackway in any coal mine in the State of Indiana, where drivers are required to drive with mine car or cars, unless there shall be a space provided on one or both sides continuously of any track or tracks measured from the rail, in any such entry, of at least two (2) feet in width, free from any props, loose slate, débris, or other obstruction, so that the driver may get away from the car or cars and track in event of collision, wreck, or other accident: *Provided*, That this paragraph shall in no wise be construed to permit the gobbing up of the space provided for in the act of March 9, 1907, same being chapter 197, Acts 1907, but all said entries shall be maintained as in said act provided.

(F) It shall be unlawful for any employee, person, or persons to knowingly, purposely, or maliciously place any obstruction within said space as herein provided: *Provided*, That the geological veins of coal, numbers three and four, commonly known as the lower and upper veins in the block coal fields of Indiana, shall be exempt from the provisions of paragraphs "D" and "E" of this section.

(G) *Violations.*—[Violation is punishable by fine not to exceed $200, to which may be added imprisonment not exceeding 60 days.]

(H) The operator of every mine shall keep a sufficient supply of timber at the mine, and shall deliver all props, caps, and timber (of proper length) to the rooms of the workmen, when needed and required, so the employees may at all times be able to properly secure the workings from caving in.

(I) Every operator operating mines in this State shall place a blackboard near the mine entrance sufficiently large, stating thereon in figures the length of all timbers in use in said mine. The miners shall register thereon, when needing timber for securing working places, their respective numbers, under the figures indicating the proper lengths of timber required: *Provided*, That the operator may provide any other efficient method for registering the kind of timbers the miner desires and insuring prompt delivery of said timbers to the miner's working place.

(J) At every mine where ten or more men are employed inside it shall be the duty of the operator thereof to keep always on hand, readily accessible and near the mouth of the mine, a properly constructed and comfortable stretcher; a woolen and waterproof blanket; a roll of bandages in good condition for immediate use for bandaging and dressing wounds of anyone injured in such mine; a supply of linseed oil, lime, camphor, turpentine, antiseptic gauze, dressing, and surgeon's splints for the dressing of broken bones; also to provide comfortable apartment near the mouth of the mine, in which

anyone so injured may rest while awaiting transportation to his home, and to provide for the speedy transportation of anyone injured in such mine to his home.

(K) The operator of every mine shall be, and is hereby, required to report to the chief inspector of mines on or before the 15th day of each calendar month the name of the person in charge of such mine, the number of tons of coal produced at such mine during the preceding month, the amount of wages paid employees during such month, the amount of money expended for improvements during said month, together with such other information as may be necessary to enable said inspector to prepare his annual report as required by law.

(L) No person or persons shall be employed in and about coal mines in this State unless and until such person so employed shall have filed with his employer a statement showing the age, residence, birthplace, and next of kin of such person so employed, and the employer shall keep such statement on file and available so long as such employee is employed in and about such coal mine. Every person, firm, corporation, partnership, or association operating a coal mine in the State of Indiana shall at all times provide a book, check, token, or other method of registration for all persons entering or leaving such mine, and it shall be unlawful for any person to enter or leave such mine without indicating by such book, check, token, or other method of registration the fact that he is entering or leaving such coal mine, and each day that such person, firm, corporation, partnership, or association shall fail to provide such book, check, token, or other method of registration shall be a separate offense.

(M) Any neglect, refusal, or failure to do the things required to be done by paragraph (L) of this section, on the part of the person, firm, corporation, partnership, or association herein required to do them, or any violation of the provisions or requirements hereof, shall be deemed a misdeamor, punishable by a fine of not less than twenty-five dollars ($25) or more than five hundred dollars ($500), or by imprisonment in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

SEC. 16. *Buildings, washhouse, etc.*—(A) No boiler house shall be erected nearer than thirty-five feet (35′) of the mine opening.

(B) All explosive materials shall be stored in fireproof buildings on the surface located not less than three hundred (300) feet from any other building.

(C) [Employer must upon written request of employees furnish a suitable washhouse or washroom.]

(D) [The washhouse or washroom shall be properly lighted and heated, be provided with all necessary facilities except that employer need not furnish soap or towels.]

(E) [Suitable hangers or baskets may take the place of lockers.]

(F) [Operator shall be required to furnish a shower bath for every fifteen men using same.]

(G) [The washhouse or washroom shall be ventilated and fumigated when necessary.]

(H) [Failure to comply with the requirements entails a fine not to exceed $500, to which may be added imprisonment not to exceed 60 days.]

NOTE.—The provision as to washhouses is valid, even though operative only on petition of the workmen. The act does not deny equal protection of the laws nor due process of law. Booth *v.* Indiana, 237 U. S. 391, 35 Sup. Ct. 617. In charging a violation of this provision, it must be alleged that the wash room or house was requested. Hewitt *v.* State, 171 Ind. 283, 86 N. E. 63.

SEC. 17. *Miner's examination board—Dangerous occupation*—(A) The business of mining coal is hereby declared a dangerous occupation, industry, and business. In every county in this State where the business of coal mining is carried on, or shall hereafter be carried on, the board of county commissioners of such counties shall appoint a miner's examination board, said board to consist of two resident coal miners who shall have had at least five years' practical experience in mining coal, and shall, at the time of their appointment, be engaged as miners of coal in the county wherein they are appointed, and one resident of said county who is a coal operator.

(B) It shall be lawful for the coal miners individually or through their organizations, to recommend coal miners for such appointment on such boards and for coal operators to recommend some coal operator for such appointment. Said members of said board shall hold office until the first Monday of the January next, following their appointment or until their successors shall

have been appointed and qualified. Any vacancy occurring on any of the said boards may be filled by the board of county commissioners at any regular session of said board. Appointments shall be made on the first Monday, of each January of each year, or any time thereafter: *Provided*, That the provisions of this section shall not apply to any county in this State unless there is located in such county a coal mine employing ten (10) or more miners.

(C) Each board shall organize by electing one of their number president, and one member as secretary, and one as treasurer: *Provided*, That the same member may serve as both secretary and treasurer. Each member shall, within ten days after his appointment, qualify, by taking oath or affirmation before some qualified officer, that he will faithfully, honestly, and impartially discharge his official duties, which oath shall be filed with the auditor of the county in which he resides and from which he is appointed. The member being chosen as treasurer shall qualify by filing with the auditor his bond in the penal sum of five hundred dollars, which bond shall be approved by the board of county commissioners. Members of said board shall receive as compensation for their service the sum of four dollars ($4.00) per day for each day actually engaged in their official duties, and all legitimate and necessary expenses incurred in attending the meetings of said board, which sum shall be allowed by the county commissioners, and money for the payment of the same shall be appropriated by the county council, and the county treasurer shall pay the same.

(D) No person shall be employed or engaged as a miner in any coal mine in this State without first obtaining a certificate of competency and qualifications so to do, from the miners' examining board of some county in the State of Indiana; *Provided*, That the above provisions shall not prevent the employment of a person not having such certificate to work in the same room with, or under, the direction of a miner having such certificate, for the purpose of becoming qualified to become a miner, and to receive such certificate under the provisions of the section. *Provided*, That any male person desiring to work with a qualified miner to become qualified, shall first obtain a permit from the miners' examining board by stating his age, nativity and residence, and paying the sum of one dollar ($1.00) therefor. The miners' examining board shall grant a permit to all applicants who are of legal age and who have such intelligence and character that they will not be a menace to life and property.

(E) It shall be the duty of the chief mine inspector to prepare the form of certificates, permits, and books specified and provided for in this section, and it shall be the duty of all miners' examining boards in this State to use and adopt the forms prescribed and prepared by the chief mine inspector. All expenses provided for, and authorized by, this section, shall be paid out of the county treasury of the counties where the boards contracting the same are located.

(F) The said board shall keep a permanent book for the purpose of registering the names of all applicants for certificates of competency and qualifications, and of all persons applying for permits to work for the purpose of learning the business or occupation of mining. Said book shall contain a printed form of application which shall be filled out, signed and sworn to by each applicant, showing his name, address, nativity, date of birth, race and residence of parents, if living, and what experience, if any, such applicant has had in mining, and the location of mines where such applicant has been employed, if at all, for at least two years prior to the application; all applicants shall sign such application and be sworn to the same, by some member of the miners' examining board, or other authorized person.

(G) Each applicant for a certificate or permit shall pay said miners' examining board at the time of application, a fee of one dollar ($1.00). All money received by said board shall be paid over to the county treasurer, at least once a month.

(H) The said board shall, annually, on the first Wednesday of January of each year, report to the board of county commissioners appointing them, names of all persons applying for certificates and permits, the amount of money received and disbursed, the names of all persons granted certificates and permits, and the names of all persons refused certificates and permits.

(I) In every case where an applicant is refused a permit or certificate, it shall be the duty of said examining board to keep a complete record of the questions asked, and answers given, and the secretary of said board shall furnish a copy of same to any applicant desiring an appeal to any court of competent jurisdiction, free of charge.

(J) It shall be the duty of said board to meet on the first Wednesday of each month, but when the said day falls on a legal holiday, then the day fol-

lowing, and said meeting shall be public, and when necessary the meeting shall be continued from day to day for not to exceed three days, if business requires.

(K) The examination of all applicants shall be public, and in the English language: *Provided, however*, That in the event of a non-English speaking applicant so desiring, an interpreter shall be employed, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty. The members of the board shall have power and authority to administer oaths, and all applicants for certificates and permits shall be first sworn and orally examined in regard to their qualifications. All applicants for qualification certificates may be required to furnish satisfactory evidence of their experience in mining and shall possess sufficient knowledge to be able to understand warnings in regard to dangerous gases and explosives. In no event shall an applicant be deemed competent and qualified unless he appears in person before said board and answers intelligently at least fifteen questions propounded to him, pertaining to practical mining, which questions shall cover dangerous gases and other combustibles and explosives, and the preparation of shots, and timbering, but in no event shall technical questions be included in the examination: *Provided, further*, That when an applicant possesses a miners' qualification certificate of some other State where a miners' qualification law may be in effect, he shall be entitled to a qualification certificate in this State, without the formality of an examination.

(L) Said board shall keep accurate records in permanent form, of all proceedings of all sessions held by them, containing the names and addresses of all applicants for permits and certificates, and the action taken thereon, which records shall be open for inspection at all times by persons interested. All sessions shall be held in public, but the boards shall, when requested by three miners, or may on their own motion, separate the applicants and exclude those not examined from the room where the examination is being held.

(M) It shall be unlawful for any person to disclose to any applicant, before his examination, the questions to be asked or the answers thereto: *Provided*, That in counties, in this State where, according to the last report of the chief mine inspector there are less than one hundred and fifty coal miners employed, the miners' examining board of such counties shall hold meetings only on the first Wednesdays of January, April, July, and October of each year. The miners' examining board in any county, shall employ an interpreter at any meeting where a majority deem it necessary, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty, and for any false interpretation or fraudulent acts or violations of any provisions of this act, shall be subject to the punishment prescribed in paragraph (T) of this section.

(N) All applicants who shall answer fifteen questions correctly, and shall be otherwise qualified and adjudged competent under this section, shall be granted a certificate, which certificate shall not be transferable. No certificate shall be issued unless signed by at least two members of the board. No permit shall be transferable nor issued to any miner under the age prescribed by law.

(O) Any applicant being refused a certificate or permit by any miners' examining board and feeling himself aggrieved, may appeal to the circuit or superior court, located in the county where such board is located, and such court shall have power to issue such orders therein, as may be lawful and just, but no costs shall be assessed or adjudged against any member of a miners' examining board upon such review of their action.

(P) The prosecuting attorney, chief mine inspector, or any member of any miners' examining board, having information that any person has obtained a certificate or permit by means of fraud, misrepresentation or by other unlawful means, or has permitted, or is permitting any other person to use his certificate of permit, or that any person is using the certificate or permit which was issued to another person, shall file information before the judge of the circuit or superior court located in the county where such person is resident or employed, and cause summons to be issued as in civil cases: *Provided, however*, If such officers fail or refuse to file such information, then any private citizen may file such information on the relation of the State of Indiana. If the court or jury shall, after a trial or hearing in such cause, find that such certificate or permit has been unlawfully or wrongfully issued, or that such person has used the certificate or permit of another or permitted another to use his certificate

or permit, then the judgment shall be that such certificate or permit be revoked, and that costs be adjudged as in other civil cases: *Provided, further,* That any person who obtains a certificate or permit by means of fraud, misrepresentation or by other unlawful means, or has permitted, or is permitting any other person to use his certificate or permit, or any person who uses or permits to be used, a certificate or permit issued to another, shall also be subjected to the penalties provided in paragraph (T) of this section.

(Q) No person shall hereafter be engaged as a miner in any coal mine in this State, without first obtaining a permit or certificate as required by this section. No person, firm, or corporation, shall employ any person as a miner who does not hold a certificate or permit, as aforesaid, and no mine foreman or superintendent or other person shall permit or suffer any person to be employed under him in any mine under his charge or under his supervision, as a miner, who does not hold such certificate or permit.

(R) No certificate of competency or qualification shall be granted to any applicant who has not had two years' experience in mine work.

(S) It shall be the duty of the chief mine inspector, and all his assistants, and all miners' examining boards, and prosecuting attorneys, to investigate all complaints of the violation of this section, and to prosecute all such violations.

(T) *Violations.*—[Violation is punishable by fine of not less than $100 nor more than $500; imprisonment not exceeding 6 months may be added. Member of miners' examining board shall forfeit his office, in addition.]

(U) It is provided that all the rights, liabilities, acts, proceedings, and certificates issued under provisions of chapter 276, Acts of 1911, approved March 6, 1911, shall not be deemed to have been changed, or invalidated and all the acts, proceedings, rights, liabilities and certificates issued under the provisions thereof are hereby legalized, validated, and carried in full force and effect the same as if this act had not been enacted.

SEC. 18. *Employment of minors and females.*—(A) No male person under the age of 16 years, or female of any age, shall be permitted to enter any mine in this State for the purpose of employment therein, and the parents or guardians of boys shall be required to furnish an affidavit as to the age of said boy or boys when there is any doubt in regard to their age, and in all cases of such boys applying for work, the operator of any mine shall see that the provisions of this section are not violated.

SEC. 19. *Duties of inspector.*—(A) It shall be the duty of the chief inspector of mines to enter, examine, and inspect any and all coal mines, and the works and machinery belonging thereto, at any reasonable time, by day or night, but so as not to hinder or obstruct the working of any coal mine more than is reasonably necessary in the discharge of his duties; and the operator of such coal mine is hereby required to furnish the necessary facilities for such entry, examinatiou, and inspection.

(B) Should the operator fail or refuse to permit such inspection, or furnish such facilities, the operator so failing, shall be deemed to have committed a misdemeanor, and it is hereby made the duty of such chief inspector to charge such operator with such violation, under oath in any court having jurisdiction.

(C) The chief mine inspector shall devote his entire time and attention to the duties of his office. He, or his assistants, shall make personal inspection, at least three times a year, of all coal mines, in this State, and shall see that every precaution is taken to insure the health and safety of the workman therein employed, that the provisions and requirements of this act are faithfully carried out, and that the penalties of the law are euforced against all who wilfully disobey its requirements.

(D) The chief mine inspector shall also collect aud tabulate the following facts: The number and thickness of each vein or stratum of coal and their respective depths below the surface, which are now worked or may hereafter be worked; the kind or quality of coal; how the same is mined, whether by shaft, slope, or drift; the number of mines in operation in each county, the owners thereof; the number of men employed in each mine, and the aggregate yearly production of tons from each mine; estimate the amount of capital employed at each mine; and give any other information relative to coal and mining that he may deem necessary, all of which facts, so tabulated, together with a statement of the condition of mines as to safety and ventilation, he shall freely set forth in his annual report together with his recommendation as to such other legislation on the subject of mining as he may think proper.

(E) It shall be the duty of the chief inspector of mines, in addition to his other duties, to examine all scales used at any mine for the purpose of weighing coal taken out of said mine. The scales shall be tested by sealed weights; the same shall be furnished to said chief inspector of mines by the auditor of State on requisition, the cost of which shall be audited by the auditor of State, and paid out of any money in the State treasury not otherwise appropriated. And on inspection, if the scales are found incorrect and, after written notice by the chief inspector of mines, it shall be unlawful for any operator to use or suffer the same to be used, until the scales are adjusted to weigh correctly.

(F) It shall be the duty of the chief inspector of mines to see to the strict enforcement of all laws relating to mines and mining, to investigate all violations of the law relating thereto, file complaints and make affidavits against such violators before the proper court of record, and to see to the enforcement of all penalties prescribed by the statutes of the State for disobedience to its provisions relating to mines and mining, and failure to do so may be sufficient cause for his removal from office.

(G) The chief inspector of mines shall make an annual report of all matters now required by law to be reported, which report shall be published and shall in every respect comply with the laws pertaining to the inspection of mines.

(H) The chief inspector of mines and mining shall receive an annual salary of three thousand dollars ($3,000.00), and each of his assistant inspectors of mines and mining shall receive an annual salary of two thousand five hundred dollars ($2,500.00), and such chief inspector, and such assistant inspectors shall receive in addition to such salaries their actual expenses while in the discharge of their actual duties. The chief inspector of mines and mining may appoint a stenographer, at an annual salary of not to exceed twelve hundred dollars ($1,200.00), and said chief inspector, assistant, and stenographer shall be paid monthly as due on sworn vouchers approved by the mining board of Indiana. For the purpose of carrying out this section the necessary money is hereby annually appropriated out of the general fund not otherwise used.

(I) It shall be the duty of the chief inspector of mines to hold examinations for certificate of competency at such places and time as he may designate, and to publish notice of such examination, stating the time and place where such examinations are to be held, and shall make and publish rules and regulations under which such examination shall be conducted.

(J) For the purpose of providing for the expense of holding the examinations and issuing the certificates herein provided for, each applicant, before entering upon examination, shall pay the chief inspector of mines one dollar, a receipt for which must be indorsed upon each certificate before it becomes effective. Examinations for certificates of competency shall be public and open to all citizens of the United States, and at least fifteen days' notice of such examination shall be given by publication in a newspaper published in the city where such examination is to be held. No certificate shall be issued to any person entitling him to serve in more than one of the capacities set out in this section, but two or more certificates may be issued to the same person on proper examination.

(K) Certificates of competency shall be issued by the chief inspector of mines to any person who shall prove satisfactory upon examination, either written or oral, or both, as may be prescribed by such chief mine inspector, that he is qualified by experience and technical knowledge to perform the duties of either mine boss, fire boss, or hoisting engineer.

(L) It shall be unlawful for any person to serve in the capacity of mine boss, fire boss, or hoisting engineer at any mine, without having first received from the chief inspector of mines a certificate of service or competency.

(M) It shall be unlawful for any operator of any mine in this State to employ any person in the capacity of mine boss, fire boss, or hoisting engineer unless such person has a certificate of service or competency from the chief inspector of mines: *Provided, however*, That nothing herein contained shall effect any certificate of service heretofore issued.

(N) Whenever the chief inspector of mines shall find that any mine or part thereof is liberating, or is liable to liberate, explosive gas in dangerous quantities from the coal or strata surrounding the coal in said mine, or any part thereof, such chief inspector of mines shall make a written finding to such effect in which such mine or part thereof liberating, or liable to liberate, explosive gas in dangerous quantities shall be appropriately designated and a

copy of such finding shall be delivered to the operator of such mine. The chief mine inspector shall, as a part of such finding, designate the kind of lamps proper to be used in such mine or part thereof, in order to avoid danger from explosions of gas, and shall also in such finding fix the time within which such lamps shall be installed, after the expiration of the time fixed by the chief inspector of mines, in such finding, for the installation of lamps, no light or lamp other than a locked safety lamp, or an approved electric lamp shall be used in such mine, or part thereof, designated in such finding, except as may be permitted in writing by the chief inspector of mines. The operator of any mine, upon receiving notice from the chief inspector of mines, that one or more safety lamps are necessary to the safety of the men in such mine, shall at once procure and keep for use such number of safety lamps as may be necessary. All safety lamps or electric lamps used for examination of any mine, or which may be used for working in any mine shall be furnished by, and be the property of, the operator of the mine in which such lamps are used, and shall remain in the custody of some competent person designated by the operator, who shall clean, prepare, fill, trim, charge, examine, and deliver the same locked and in safe condition to the men when entering the mine, and shall receive the same from the men at the end of their shift. Said person or persons receiving such lamps shall be responsible for the condition and proper use thereof while in their possession, and for the safe return of said lamps to the place from whence they have received them.

(O) It shall be the duty of said chief inspector to investigate and ascertain the cause of any accident reported under this act, as soon as his official duties will permit: *Provided*, That if loss of life shall occur by reason of any such accident, said inspector shall immediately, with the coroner of the county in which such accident may have occurred, go to the scene of the accident. They shall investigate and ascertain the cause of such loss of life, and have power to compel the attendance of witnesses, and administer oaths or affirmations to them, and the costs of such investigations shall be paid by the county in which the accident occurred, as costs of coroner's inquest are now paid.

(P) The result of all coal-mine inspections made by the chief inspector of mines, or any of his assistants, showing all his conclusions as to the condition of safety of the mines and orders given in the inspection of any coal mine, shall be posted in writing at the entrance to such mine immediately upon the conclusion of each inspection, and to enable said inspector and his assistants to discharge all the duties created by this act the number of assistants is hereby fixed at five.

(Q) The chief mine inspector and his assistants shall possess the qualifications and be appointed in manner as now provided by law.

(R) Such chief mine inspector and each of his assistants are hereby charged with the duty of enforcing this act relating to the health and safety of persons and property employed and used in and about the coal mines of the State.

(S) The chief inspector of mines and each of his assistants are hereby empowered to act as police officers, with full power to arrest and detain any person found violating any provisions of this act or any other mining law, or engaged in any attempt to violate any such law or part thereof, or against whom there is found any evidence of a previous violation of such law: *Provided, however*, That no such person shall be detained for any period of time longer than twenty-four hours, without warrant or the filing of a charge against him in a court of competent jurisdiction. Such chief mine inspector and each of his assistants shall also have power to immediately stop the operation of any coal mine, or part thereof, in which any dangerous or unlawful condition is found: *Provided, however*, That where conditions exist justifying him to do so he may grant a reasonable length of time for making necessary repairs: *And, provided further*, That where any stop is enforced, such chief mine inspector, and his assistants, shall each have power to subsequently allow such mine or part of mine to be reopened when the dangerous or unlawful conditions have been remedied or removed, so that they no longer exist.

(T) The chief inspector of mines shall have power, in his discretion, to order the sprinkling of any coal mine or part of mine, by notice in writing to the operator thereof, or person in charge of the same, and after receiving such notice, it shall be unlawful for any person to act in violation thereof, and to admit such sprinkling. Copies of any notices given hereunder, shall be posted at the mine entrance, by the inspector of mines.

(U) Whoever, being the chief mine inspector or an assistant thereof, shall fail, neglect, or refuse to perform any duty required of him by this or any

other law relating to the health and safety of persons employed in coal mines and matters connected therewith, shall, upon conviction thereof, be fined not to exceed five hundred dollars ($500), and upon a second conviction for an offense hereunder, shall, upon certification of judgment thereof to the proper officer holding the power of appointing his successor, be immediately removed from office by such officer without any further proceedings.

SEC. 21. *Assignment of wages.*—(A) Whenever any merchant or dealer in goods or merchandise, or any other person, shall take from any employee or laborer for wages, who labors in or about any mine in this State, an assignment of such employee's wages, earned or unearned, due or to become due, or shall take from such employee or laborer any order on his employer for any such wages, and shall issue or give to any such employee or laborer, in consideration of, or in payment for, any such assignment or transfer or order, any check, other than a check on a solvent bank, or any ticket, token, or device payable or redeemable, or agreed to be payable or redeemable, in goods, wares, or merchandise or anything other than lawful money of the United States, such check, ticket, token or device shall at once become due and payable in lawful money of the United States, for and to the extent of the full amount of the wages assigned or relinquished for it, and the holder of such checks, ticket, token or device shall, after demand, have the right to collect the same, with reasonable attorney's fees, by suit in any court of competent jurisdiction.

SEC. 22. *Injury to safety appliances.*—(A) Any person who shall, knowingly, injure or interfere with any safety lamp, air course, or with any brattice or obstruct or throw open doors, or disturb, any part of the machinery, or ride upon a loaded car or wagon in any mine, or do any act whereby the lives or health of the persons, or the security of the mines or machinery, are endangered, shall be deemed guilty of a misdemeanor.

SEC. 23. *Mines in other States.*—(A) Whenever any mine or mines, the shaft or opening of which is located in any State other than the State of Indiana, shall have entries or workings underground extending into and within the State of Indiana, a compliance with the laws of the State in which the shaft or opening of said mine is located governing mines and mining, shall be taken, deemed and considered a full compliance with the law of the State of Indiana, governing mines and mining as to all that part of said entries and workings lying and being within the State of Indiana.

(B) In the case of any mine or mines, the shaft or opening of which is located in any State other than the State of Indiana, the employees in the entries or workings of such mines extending into and within the State of Indiana, shall be controlled and governed by the laws of the State in which the shaft or opening of such mine is located in any and all matters pertaining to their employment, including compensation laws and suits for damages for personal injuries.

SEC. 24. *Penalties.*—(A) [Any willful neglect, refusal or failure to do the things required by any section of this act is punishable by a fine not exceeding $500, or imprisonment for a period of not exceeding six months, or both.]

SEC. 25. *Application of act.*—The provisions of this act shall not apply to any mine that does not employ ten or more men.

SEC. 26. *Construction.*—This act shall not be construed as repealing or in any wise affecting the operation of the Indiana workman's compensation act applicable to the coal mines of the State of Indiana.

SEC. 28. *Construction of sections.*—If any section of this act shall be declared invalid or unconstitutional, it shall not affect any other section of this act.

IOWA

CODE OF 1897—SUPPLEMENT, 1913—SUPPLEMENTAL SUPPLEMENT, 1915

Street railways—Vestibules—Toilets

SECTION 768–h. *Vestibules.*—[Inclosure of front and rear platforms from November 1 to April 1 is required for the protection of employees; same to be heated and seats provided for motormen and conductors.]

SEC. 768–i. *Toilet facilities.*—Every person, partnership, company or corporation owning or operating a street railway in this State shall provide and maintain toilet facilities for the use of the employees at some suitable location upon each line, or run, and the running schedule of said cars, or the operating rules, shall be such as will permit said employee to use said toilet facilities.

SEC. 768–j. *Violations.*—[Violations are punishable by fine, $25 to $100, each day's violation being a separate offense.]

Protection of employees as voters

SECTION 1123. *Attempting to influence voter.*— * * * Any employer who shall refuse to an employee the privilege, conferred by this section, or shall subject such employee to a penalty or reduction of wages because of the exercise of such privilege, or shall in any manner attempt to influence or control such employee as to how he shall vote, by offering any reward, or threatening discharge from employment, or otherwise intimidating or attempting to intimidate such employee from exercising his right to vote, shall be punished by a fine of not less than five nor more than one hundred dollars.

Labor organizations, etc.—Incorporation

SECTION 1642. *Organization.*—Any three or more persons of full age, a majority of whom shall be citizens of the State, may incorporate themselves for the establishment of * * * trades-unions or other labor organizations, * * * by signing, acknowledging, and filing for record with the county recorder of the county where the principal place of business is to be located, articles of incorporation, stating the name by which the corporation or association shall be known, which shall not be the same as that of any such organization previously existing, its business or objects, the number of trustees, directors, managers or other officers to conduct the same, and the names thereof for the first year.

Railroads—Electric light, etc., poles

SECTION 2033–k. *Location of poles.*—[The erection of any pole or other structure for the support of wires less than 6 feet from the nearest rail of any track over which freight cars run is forbidden.]

Liability of railroad companies for injuries to employees

SECTION 2071. *Injuries caused by negligence.*—Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents, or by any mismanagement of the engineers or other employees thereof, and in consequence of the willful wrongs, whether of commission or omission, of such agents, engineers, or other employees when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

Nor shall any contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured

and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any such insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, constitute any bar or defense to any cause of action brought under the provisions of this section, but nothing contained herein shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.

In all actions hereafter brought against any such corporation to recover damages for the personal injury or death of any employee under or by virtue of any of the provisions of this section, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier or corporation of any statute enacted for the safety of employees contributed to the injury or death of such employee; nor shall it be any defense to such action that the employee who was injured or killed assumed the risks of his employment.

This section is constitutional. 127 U. S. 210.

The intention of this statute is merely to give employees a right of action for injuries arising from the negligence of coemployees, and not to change the degree of care necessary as between master and servant. 26 Iowa, 363.

The company is not liable to an employee under circumstances that would not have rendered it liable to one not an employee. 107 Iowa, 682.

This statute does not confer upon a widow the right to sue for the death of her husband occasioned by the wrongful act of a railroad company. 83 N. W. 815.

A railway company can not avoid liability under this statute by requiring of its employees more than reasonable care in the discharge of their duties. 88 Iowa, 380.

This statute is not unconstitutional, being applicable to all persons or corporations engaged in a peculiar business. 20 Iowa, 338.

It seems not to be applicable to street railways. 68 Fed. 82.

A receiver, operating a railroad under the appointment of a court, is within the terms of this section. 62 Iowa, 728.

The statute applies only to accidents growing out of the use and operation of railroads. One who is required in the course of his employment by a railroad company to go upon a train is to be regarded as being engaged in its operation, notwithstanding his employment may not be connected with the running of its trains. 41 Iowa, 344.

The running of special trains by a construction company engaged in constructing a road is operating it within the meaning of this statute. 43 Iowa, 406.

A clinker man in a roundhouse injured while coupling tanks moved by engines is within the statute. 87 Iowa, 206.

So is a bridge worker who is required in the course of his employment to ride on trains. 47 Iowa, 375.

So is a section hand. 36 Iowa, 372.

And a man engaged in shoveling gravel from a gravel train. 43 Iowa, 406.

Or in the operation of a dirt train. 36 Iowa, 52.

Or running a hand car. 137 U. S. 507.

The ordinary work of a section gang is not within the statute. 107 N. W. 616.

Operating a ditching machine which worked by the movement along the track of the train of which it forms a part is within the statute. 73 Iowa, 576.

An employee injured while operating a derrick situated on a flat car, worked by moving the car, recovered under this statute. 73 Iowa, 576.

As did one injured by the caving of a sand bank where he had been engaged in loading a train. 72 Iowa, 709.

And one injured in a coal house by the negligent moving of a plank over which coal had been carried to the tender of a live engine. 106 Iowa, 54.

But employees elevating coal to a platform from which tenders were to be filled were not within the statute. 70 Iowa, 555.

Nor repair men at work on a track and not injured by the operation of the road. 68 Iowa, 22.

Nor a car repairer who worked on cars while not in motion, though sometimes required to ride from place to place on trains of the company for the purpose of making such repairs at different places. 64 Iowa, 644.

The foreman of an iron gang on a bridge, who controlled the speed of trains by signals, was directing the operation of trains in such a sense as to fix the liability of the railway company for the death of an employee at the bridge, caused by a train running at too great speed. 72 N. W. 545.

The fact that an employee is foreman of a crew of men whom he directs and whom he may hire or discharge does not prevent his being a coemployee with such workmen so that he can recover under this section for injuries received by their negligence. 60 Iowa, 230.

A written contract by which an employee agrees to hold the company harmless for injuries received in doing certain acts which he is advised are dangerous is admissible for the purpose of showing the existence of the rule and of notice to the employee of such rule and of the danger. 73 Iowa, 158.

This section does not make the employer responsible for negligent acts of an employee done tortiously or outside the line of duty. 78 N. W. 698.

The clause as to restrictive contracts is constitutional. 134 N. W. 1135.

So also of acceptance of benefits. 108 N. W. 902, 31 Sup. Ct. 259.

Railroads—Payment of wages

SECTION 2110–b1. *Duty of railway companies.*—Every railway corporation operating or doing business in the State of Iowa shall as often as semimonthly pay to every employee engaged in its business all wages or salaries earned by such employee to a day not more than eighteen days prior to the date of such payment. Any employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or discharged therefrom shall be paid in full following his or her dismissal or voluntary leaving his or her employment at any time upon six days' demand. No corporation coming within the meaning of this act shall by special contract with the employees or by any other means secure exemption from the provisions of this act. And each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction of this State.

SEC. 2110–b2. *Violations.*—[Violations are punishable by fine, $25 to $100. Each day's delay is a separate offense.]

Railroads—Wires over tracks

SECTIONS 2120–d–2120–j. *Height.*—[Railroad commissioners have general supervision and may make regulations as to electric wires crossing railroad tracks; but in no case shall a height of less than 22 feet above the top of the rails be prescribed.]

Railroads—Accidents to be reported

SECTION 2120–k. *Reports.*—[Any serious accident resulting in personal injury or loss of life must be immediately reported to the railroad commissioners, who may investigate and report to the governor; not available as evidence in damage suits.]

Bureau of labor statistics—Inspection, etc., of factories

SECTION 2469. *Commissioner.*—The bureau of labor statistics shall be under the control of a commissioner, biennially appointed by the governor, by and with the advice and consent of the executive council, whose term of office shall commence on the first day of April in each odd-numbered year and continue for two years, and until his successor is appointed and qualified. He may be removed for cause by the governor, with the advice of the executive council, record thereof being made in his office; any vacancy shall be filled in the same manner as the original appointment. He shall give bonds in the sum of two thousand dollars with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and take the oath prescribed by law. He shall have an office in the capitol, safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor, except as hereinafter provided. * * *

SEC. 2470. *Duties.*—The duties of said commissioner shall be to collect, assort, systematize, and present in biennial reports to the governor statistical details relating to all departments of labor in the State, especially in its relations to the commercial, social, educational, and sanitary conditions of the laboring classes, the means of escape from, and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women, and to the permanent prosperity of the mechanical, manufacturing, and productive industries of the State; and he shall, as fully as practicable, collect such information and reliable reports from each county in the State, the amount and condition of the mechanical and manufacturing interests, the value and location of the various manufacturing and coal productions of the State, * * * and in said biennial report he shall give a statement of the business of the bureau since the last regular report, and shall compile and publish therein such information as may be considered of value to the industrial interests of the State, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, me-

chanics' and apprentices' wages earned, the savings from the same, with age and sex of laborers employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental, and the value of property owned by laborers and mechanics; and he shall include in such report what progress has been made with schools now in operation for the instruction of students in the mechanic arts and what systems have been found most practical, with details thereof. Such report shall not contain more than six hundred printed pages, and shall be of the number, and distributed in the manner, provided by law. He shall make a report to the governor during the year 1906, and biennially thereafter. * * *

Said commissioner may from time to time, with the consent of the executive council, issue bulletins containing information of importance to the industries of the State and to the safety of wage earners.

SEC. 2471. *Witnesses.*—The commissioner of the bureau of labor statistics shall have the power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by said bureau, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subppœnaed and testifying before the commissioner of the bureau shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the general funds of the State on voucher by the commissioner, but such expense for witnesses shall not exceed one hundred dollars annually. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend or testify at the time and place named in the subpœna, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days: *Provided, however*, That no witness shall be compelled to go outside the county in which he resides to testify.

SEC. 2472. *May enter premises.*—The commissioner of the bureau of labor statistics shall have the power to enter any factory or mill, workshop, mine, store, business house, public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this chapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof. If the commissioner shall learn of any violation of, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, he shall give written notice to the owner or person in charge of such factory or building, of such offense or neglect, and if the same is not remedied within sixty days after service of such notice, such officer shall give the county attorney of the county in which such factory or building is situated, written notice of the facts, whereupon that officer shall immediately institute the proper proceedings against the person guilty of such offense or neglect. And any owner or occupant of such factory or mill, workshop, mine, store, business house, public or private work, or any agent or employee of such owner or occupant, who shall refuse to allow any officer or employee of said bureau to so enter, or who shall hinder him, or in any way deter him from collecting information, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days.

SEC. 2473. *Definition.*—The expressions "factory," "mill," "workshop," "mine," "store," "business house," and "public or private work," as used in this chapter, shall be construed to mean any factory, mill, workshop, mine, store, business house, public or private work, where wage earners are employed for a certain stipulated compensation.

SEC. 2474. *Report to bureau.*—It shall be the duty of every owner, operator, or manager of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment where labor is employed, as herein provided, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as said bureau may require for the purpose of compiling such labor statistics as are contemplated in this chapter; and the owner, operator or business manager shall make such reports or returns within sixty days from the receipt of blanks furnished by the commissioner, and

shall certify under oath to the correctness of the same. Any owner, operator or manager of such factory, mill, workshop, mine, store, business house, public or private work, as herein stated, who shall neglect or refuse within thirty days after the receipt of notice given by said commissioner to furnish to the commissioner of labor such reports or returns as may be required by the commissioner in order to enable him to fully comply with the duties enjoined upon him by section twenty four hundred and seventy (2470), supplement to the code, 1907, and amendments thereto and supplementary thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or imprisoned in the county jail not exceeding thirty days.

SEC. 2475. *Information confidential.*—In the reports of the commissioner no use shall be made of names of individuals, firms, or corporations supplying the information called for by sections twenty-four hundred and seventy and twenty-four hundred and seventy-one of this chapter, such information being deemed confidential and not for the purpose of disclosing personal affairs; and any officer or employee of the bureau of labor statistics violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding one year.

SEC. 2476. *Reports to be preserved.*—No report or return made to said bureau in accordance with the provisions of this chapter, and no schedule, record, or document gathered or returned by its officers or employees, shall be destroyed within two years of the collection or receipt thereof. At the expiration of two years all records, schedules, or papers accumulating in said bureau during said period that may be considered of no value by the commissioner may be destroyed, provided the authority of the executive council be first obtained for such destruction.

SEC. 2477 (as amended 1921, ch. 209). *Woman factory inspector.*—One of the factory inspectors in the bureau of labor statistics shall be a woman, who shall, in addition to the general duties required of her, under the direction of the commissioner of the bureau of labor statistics, inspect the sanitary and general conditions under which the women and children are at work in all factories, workshops, hotels, restaurants, stores, and any other places where women and children are employed; collect statistics and make recommendations and report the same to the commissioner of labor, who shall make special reference thereto in his biennial report to the governor, and said woman factory inspector shall render any other or additional service under the direction of the labor commissioner as will tend to promote the health and general welfare of the women and children employees of this State. The appointment by the commissioner of all factory inspectors shall be subject to the approval of the executive council. Said commissioner shall be allowed the necessary postage, stationery, and office expenses. The said salaries and expenses shall be paid as the salaries and expense of other State officers are provided for. The commissioner or any officer or employee of the bureau of labor statistics shall be allowed in addition to his salary his actual and necessary traveling expenses while in the performance of his duties, said expenses to be audited by the executive council and paid out of the general fund of the State upon a voucher verified by the commissioner or his deputy; but the total amount of the expenses for the officers and employees of said bureau other than the salaries shall not exceed four thousand dollars ($4,000) per annum.

Accidents in factories, mercantile establishments, etc.—Reports

SECTION 2477-1a. *Records to be kept.*—Manufacturers, manufacturing corporation, proprietors, or corporations operating any mercantile establishments, mills, workshops, mines other than those subject to inspection by the State mine inspector, or business houses, shall keep a careful record of any accidents occurring to an employee while at work for the employer, when such accident results in the death of the employee or in such bodily injury as will or probably may prevent him from returning to work within four days thereafter. The said record shall at all times be open to inspection by an inspector of the bureau of labor statistics. Within forty-eight hours after the occurrence of an accident, the record of which is herein required to be kept, a written report thereof shall be forwarded to the commissioner of the bureau of labor statistics, and said commissioner may require further and additional report

to be furnished him should the first report be by him deemed insufficient. No statement contained in any such report shall be admissible in any action arising out of the accident therein reported. Any employer who fails to keep the record or to furnish the report as herein provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and costs of prosecution.

Employment of children—General provisions

SECTION 2477–a. *Age.*—[No child under 14 may be employed in any mine, factory, mill, workshop, laundry, packing house, mercantile establishment where more than 8 persons are employed, operating elevators, in livery stables or garages, or as messengers or in delivery service; unless the place or business is owned or operated by the child's parents.]

SEC. 2477–a1. *Street trades.*—[Forbidden to boys under 11 and girls under 18, unless permitted to boys under 11, in exceptional cases; permits required to 16.]

SEC. 2477–b. *Dangerous occupations.*—[Dangerous occupations are forbidden under 16, brief list, "or in occupations dangerous to life or limb." No female under 21 may be employed where she must stand constantly.]

SEC. 2477–c (as amended 1919, ch. 139). *Work time.*—[Employment under 16 years of age is limited to 8 hours per day and 48 per week, but not between 6 p. m. and 7 a. m., and to 40 hours a week where there are part-time schools or classes; no delivery or messenger service under 18 years of age between 10 p. m. and 5 a. m. in cities of 10,000 or more inhabitants.]

SEC. 2477–d. *Certificates.*—[Certificates are required to 16; issued on evidence of age, school attendance completing sixth grade, and medical certificate. Inspection officers may require evidence of age of children apparently under 16.]

SEC. 2477–e. *Penalties.*—[Penalties for false statements, violations, etc., are fines not to exceed $100, or imprisonment not over 30 days.]

SEC. 2477–f. *Enforcement.*—[Enforcement is by the commissioner of labor statistics, mine inspectors, etc.]

Free public employment offices

SECTION 2477–g (as amended 1921, ch. 209). *Bureau established.*—The commissioner of the bureau of labor statistics of Iowa shall, within thirty days after the taking effect of this act, establish in his office at Des Moines, Iowa, a department to be called The State Free Employment Bureau, and the said commissioner is hereby authorized and directed to establish such department and to adopt such rules and regulations as are necessary to carry out the purposes of this act. He shall, with the approval of the executive council, appoint a competent person who shall be placed in charge of such work and be known as the chief clerk of the State free employment bureau. His term of office shall be the same as that of commissioner of the bureau of labor statistics. All printing, postage, stationery, and other necessary office expenses, including telephone and telegraph bills used to properly carry on the work of such free employment bureau, shall be paid by the State in the same manner as are paid the other expenses of the office of the commissioner of the bureau of labor statistics.

SEC. 2477–g2. *Lists to be printed.*—The chief clerk of the State free employment bureau shall cause to be printed the number of all applicants and the character of the employment desired by the applicants and the number of those desiring to employ labor, and the class thereof, which have been received by him since making up his last list, and cause a true copy of said list to be mailed to the auditors of the several counties of Iowa, and to the clerks of all cities and towns within the State of Iowa having a population of five hundred or more, according to the last State or national census. Said list shall be mailed out as above provided with such frequency as will in his judgment best serve the needs of the public but not oftener than once each week nor less frequent[ly] than one [once] each month. Said list shall be immediately posted on receipt thereof by the county auditors or city and town clerks in an accessible, conspicuous and public place in their respective communities and shall at all times be subject to the inspection of all persons desiring employment and all persons wishing to employ labor. The chief clerk of the State free employment bureau, with the consent of the commissioner of the bureau of labor statistics and with the approval of the

executive council may adopt and use such other methods of disseminating information as will in their judgment be helpful in bringing the unemployed in touch with those desiring to employ such labor. No fee or compensation shall be received, either directly or indirectly, from persons residing within this State applying for employment or help to said State free employment bureau.

SEC. 2477–g3. *Defacing, etc., lists.*—Any person who shall deface, mutilate, destroy, or remove any of the lists required to be posted by the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days.

Private employment offices

SECTION 2477–h. *Return of fees.*—[Agencies charging fees must return them within the time agreed upon, or within a reasonable time, if no employment is secured; but $1 may be retained as a filing fee.]

SEC. 2477–i. *Applications.*—[A copy of all applications and contracts, with a statement of the amount to be paid, must be furnished persons applying to or contracting with employment agencies.]

SEC. 2477–j. *Dividing fees.*—[Splitting fees with employers or their agents is forbidden.]

SEC. 2477–k. *Enforcement.*—[Enforcement is in the hands of the commissioner of labor and statistics.]

SEC. 2477–l. *Violations.*—[Violations, or refusing inspection of records is a misdemeanor.]

Arbitration of labor disputes

SECTION 2477–n (as amended 1923, ch. 230). *Application for board.*—When any dispute arises between any person, firm, corporation or association of employers and their employees or association of employees, of this State, except employers or employees having trade relations directly or indirectly based upon interstate trade relations operating through or by State or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten (10) or more wage earners, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, and the parties thereto are unable to adjust the same, either or both parties to the dispute, or the mayor of the city, or the chairman of the board of supervisers of the county in which said employment is carried on, or on petition of any twenty-five (25) citizens thereof over the age of twenty-one (21) years, or the labor commissioner, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this chapter; and the manager of the business of any person, firm, corporation, or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this chapter, but in no case shall more than twenty (20) employees be required to join in such application.

SEC. 2477–n1 (as amended 1923, ch. 230). *Nominations of members.*—The governor shall at once upon application made to him as herein provided, and upon his being satisfied that the dispute comes within the provisions of the preceding section, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation and make request upon each party to the dispute that each of them recommend within three (3) days from the date of notice, the names of five (5) persons who have no direct interest in such dispute and are willing and ready to act as members of the board, and the governor shall appoint from each list submitted one (1) of such persons recommended. Should either of the parties fail or neglect to make any recommendation within the said period, the governor shall, as soon thereafter as possible, appoint a fit person who shall be deemed to be appointed on the recommendation of the parties in default. The members of the board so appointed shall within five (5) days of their appointment recommend to the governor the name of one (1) person who is ready and willing to act as a third member of the board, and upon failure or neglect upon their part to make such recommendation within the said period, or upon the failure or

refusal of the person so recommended to act, the governor shall as soon thereafter as possible appoint some person to act as the third member of the board.

SEC. 2477–n2. *Decisions, binding, when.*—In all cases when the application is made by both parties to the dispute, they shall set forth in the application whether or not they agree to be bound by the decision of the board of arbitration and conciliation; and if both parties agree to be so bound by such decision, then the same shall be binding and enforceable as set out in section seven [2477–n6] of this act.

SEC. 2477–n3. *Organization, etc., of board.*—Each member of the board shall, before entering upon the duties of his office, be sworn to a faithful and impartial discharge thereof: They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary, and shall have power to employ all necessary clerks and stenographers to properly carry out the duties of their appointment. The members of the board shall receive a compensation of five dollars per diem for the time actually employed, together with their traveling and other necessary expenses, the same to be payable out of the State treasury upon warrants drawn by the State auditor.

SEC. 2477–n4 (as amended 1923, ch. 230). *Powers.*—For the purpose of this inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths, and of requiring witnesses to give evidence, to produce books, papers, and other documents or things as the board may deem requisite to the full investigation of the matters into which it is inquiring, as is vested in the district court in civil cases. Any member of the board may administer an oath, and the board may accept, admit, and call for such evidence as in equity and good conscience it thinks material and proper, whether strictly legal evidence or not.

A subpœna or any notice may be delivered or sent to any sheriff, constable, or any police officer who shall forthwith serve the same, and make due return thereof, according to directions. Witnesses in attendance and officers serving subpœnas or notices shall receive the same fees as are allowed in the district court, payable from the State treasury, upon the certificate of the board that such fees are due and correct. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpœna as is by law conferred upon the district court for like purposes.

SEC. 2477–n5. *Investigations.*—The board shall as soon as practical visit the place where the controversy exists, and make careful inquiry into the cause, and the said board may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both of the parties to the dispute to adjust said controversy, and make a written decision thereof, which shall at once be made public and open to public inspection and shall be recorded by the secretary of the board, and a copy of such report shall be filed in the office of the clerk of the city or town in which the controversy arose and shall be open for public inspection.

SEC. 2477–n6. *Status quo for ten days.*—The board of arbitration and conciliation shall within ten days from the date of their appointment unless such time shall be extended by the governor, complete the investigation of any controversy submitted to them, and during the pendency of such period neither party shall engage in any strike or lockout. Any decision made by the board shall date from the date of the appointment of the board and shall be binding upon the parties who join in the application as herein provided for a period of one year.

SEC. 2477–n7 (as amended 1923, ch. 230). *Decision to be rendered.*—Within five (5) days after the completion of the investigation, unless the time is extended by the governor for good cause shown, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the point[s] disposed of by them, and make a written report to the governor of their findings of fact and of their recommendation to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the commissioner, who shall cause such decision and report to be published at a rate of not to exceed thirty-three and one-third cents (33⅓c.) per ten (10) lines of brevier type or its equivalent, in two (2) newspapers of general circulation in the county in which the business is located upon which the dispute

arose. All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the governor of the State and shall only be subject to inspection upon his order.

SEC. 2477-n8. *Expenses.*—The expenses incurred under the provisions of this act shall be audited by the executive council and shall be paid out of any money in the State treasury not otherwise appropriated upon warrants drawn by the auditor of State.

Mine regulations—Coal mines

SECTION 2478. *Inspectors.*—[The governor appoints 3 from a list of those found eligible by board of examiners.]

SEC. 2479-a. *Board of examiners.*—[An examining board is appointed by the executive council, representing miners and operators, with a mining engineer.]

SECS. 2480, 2481. *Examinations.*—[Examinations are held biennially.]

SEC. 2482. *Districts.*—[The State is divided into 3 districts; inspectors are furnished instruments, test weights, etc., and shall inspect mines at least every 6 months and report on accidents causing loss of life.]

SEC. 2483 (as amended 1921, ch. 209). *Office.*—[The general office is at the capitol.]

SEC. 2484. *Neglect, etc.*—[Charges of neglect or malfeasance are heard by the board of examiners convened by the governor for the purpose. If sustained, the inspector is removed, but may appeal to the courts.]

SECS. 2485–2496-e. *Provisions for safety.*—[Owners, etc., are required to furnish maps, provide escape shafts, ventilation, means of communication and signals, and the use of illuminating oils, powder, etc., is regulated. Mine foremen, pit bosses and hoisting engineers must have certificates at mines employing 5 or more persons, the same to be granted on examination by the State board of examiners. Checkweighmen may be employed, coal must be weighed before screening unless otherwise agreed to in writing, scrip must be redeemable in money at its face value, wages are payable semimonthly, any coercion as to trading is forbidden. Shot examiners must be employed "in all mines where the coal is blasted from the solid," such examiners to be certified as competent by the State mine inspector.]

Mine regulations—Gypsum mines

SECTIONS 2496-f–2496-n. *Safety.*—[Two distinct openings are required in mines where 5 or more men are employed; ventilation and speaking tubes must be supplied, an experienced hoisting engineer employed, timbers be supplied, maps be furnished, and fatal accidents be reported to the county coroner and the State mine inspector. The State mine inspector is charged with the enforcement of the law.]

Employment of children—School attendance

SECTION 2823-a. Term.—[Attendance 24 weeks per year to 16 is required unless (among other exemptions) 14 and regularly employed.]

Assignment of wages

SECTION 3047. *Spouses to unite.*—[Assignments of wages by the head of any family must be in writing, the same joint instrument to be signed by both husband and wife.]

Employers' liability—Contributory negligence

SECTION 3593-a. *Burden of proof.*—In all actions brought in the courts of this State to recover damages caused by the negligence of the defendant, the burden of proving contributory negligence shall rest upon the defendant: *Provided*, That this act shall only apply to actions brought by an employee against his or her employer, or by a passenger against a common carrier, and in such cases contributory negligence may be pleaded in mitigation of damages.

Execution on judgments for wages not to be stayed

SECTION 3996. *Exception.*—On all judgments for the recovery of money, except those rendered on any appeal or writ of error, or in favor of a laborer or mechanic for his wages, * * * there may be a stay of execution, * * *

Exemption of wages from execution—Sending claims out of the State

SECTION 4011 (as amended 1919, ch. 65; 1921, ch. 149). *Amount exempt.*—[To residents who are heads of families earnings of the 90 days next preceding the levy are exempt from execution, etc.]

SEC. 4018. *Sending claims out of State.*—[Sending a claim against a resident of the State outside the State for collection, or transmitting such claim to a nonresident, with the intent of depriving the debtor of his exemption rights under the State law is a misdemeanor.]

Wages as preferred claims—In receiverships, etc.

SECTION 4019. *Amount.*—[When the property of any employer is assigned or seized for debt, debts owing employees for services during the 90 days preceding, not exceeding $100, shall be preferred to all other debts after the payment of costs.]

SEC. 4022. *Rank.*—[Allowed claims for wages are prior to all claims or liens except prior mechanics' liens for labor in opening or developing coal mines.]

Exemption of wages—Earnings outside State

SECTION 4071–a. *Exemption allowed.*—Wages earned outside of this State by a nonresident of this State and payable outside of this State, shall in all cases where the garnishing creditor is a nonresident of this State, be exempt from attachment or garnishment where the cause of action arises outside of this State; and it shall be the duty of the garnishee in such cases to plead such exemption, unless the defendant shall be personally served with original notice in this State.

Seats for female employees

SECTION 4999. *Seats to be provided.*—All employers of females in any mercantile or manufacturing business or occupation shall provide and maintain suitable seats, when practicable, for the use of such female employees, at or beside the counter or workbench where employed, and permit the use thereof by such employees to such extent as the work engaged in may reasonably admit of. Any neglect or refusal to comply with the provisions of this section by any employer shall be punished by a fine not exceeding ten dollars.

Inspection and regulation of factories, etc.

SECTION 4999–a1. *Toilet rooms.*—[Every manufacturing establishment, workshop, or hotel where five or more persons are employed must be supplied with properly screened and ventilated water closets, in the proportion of at least one to every 20 employees. Separate provisions must be made for the sexes. Adequate washing facilities must be provided for all employees in factories, mercantile establishments, etc.; and if the labor makes a change of clothing necessary, wholly or in part, a dressing room or rooms with lockers and washing facilities for each sex must be furnished. Suitable drinking water is also to be supplied.]

SEC. 4999–a2 (as amended 1921, ch. 180). *Safety appliances, etc.*—It shall be the duty of the owner, agent, superintendent, or other person having charge of any manufacturing or other establishment where machinery is used, to furnish and supply or cause to be furnished and supplied therein, belt shifters or other safe mechanical contrivances for the purpose of throwing belts on and off pulleys, and, wherever possible, machinery therein shall be provided with loose pulleys; all saws, planers, cogs, gearing, belting, shafting, set screws, and machinery of every description therein shall be properly guarded. No person under sixteen years of age and no female under eighteen years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machinery of any kind: *Provided*, That this clause shall not be interpreted to include pupils working under an instructor in manual-training departments in the public schools of the State or under an instructor in a school shop or industrial plant in a course approved by the State board for vocational education for vocational educational purposes.

SEC. 4999–a3. *Defective appliances.*—In all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work,

machinery or appliances to furnish reasonably safe machinery, appliances or place to work, the employee shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employee may have had knowledge when the employer had knowledge of such defect, except when in the usual and ordinary course of his employment it is the duty of such employee to make the repairs, or remedy the defects. Nor shall the employee under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment. And no contract which restricts liability hereunder shall be legal or binding.

Sec. 4999–a4. *Blowers for polishing machines, etc.*—All persons, companies or corporations operating any factory or work shop where emery wheels or emery belts of any description, or tumbling barrels used for rumbling or polishing castings, are used, shall provide the same with blowers and pipes of sufficient capacity, placed in such a manner as to protect the person or persons using same from the particles of dust produced or caused thereby, and to carry away said particles of dust arising from or thrown off such wheels, belts or tumbling barrels while in operation, directly to the outside of the building, or to some receptacle place[d] so as to receive or confine such particles or dust: *Provided, however*, That grinding machines upon which water is used at the point of grinding contact, and small emery wheels which are used temporarily for tool grinding, are not included within the provisions of this section, and the shops employing not more than one man at such work may, in the discretion of the commissioner of the bureau of labor of the State, be exempt from the provisions hereof.

Any factory, workshop, print shop, or other place where molten metal or other material which gives off deleterious gases or fumes is kept or used shall be equipped with pipes or flues so arranged as to give easy escape to such gases or fumes into the open air, or provided with other adequate ventilators.

Sec. 4999–a5. *Enforcement.*—It shall be the duty of the commissioner of the bureau of labor of the State, and the mayor, and chief of police of every city or town, to enforce the provisions of the foregoing sections. Any person, whether acting for himself or for another or for a copartnership, joint-stock company or corporation, having charge or management of any manufacturing establishment, workshop, or hotel, who shall fail to comply with the provisions of said sections, within thirty days after being notified in writing to do so, by any one of said officers whose duty it may be to enforce the provisions of said sections, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Whenever any person, in any manufacturing or other establishment wherein machinery is used and wherein or whereon guards or safety appliances have been provided, shall remove such guards or safety appliances from any machine or other equipment or shall so adjust such guards or safety appliances as to destroy their purpose of preventing bodily injuries or safeguarding health, excepting whenever it becomes necessary to remove some or all of the guards, including springs or pressure bars that may properly come under this act, to enable the employee operating said machine to perform certain special work that can not be performed with guard, it shall be the duty of said employee or employer to immediately replace them after said work has been completed. Any person, who may neglect or refuse to comply with the provisions of this act, shall be punished by a fine of not less than five dollars, or more than one hundred dollars, or by imprisonment in the county jail not to exceed thirty days.

Sec. 4999–a6. *Protection against fire.*—All buildings, structures or enclosures of three or more stories and such other buildings of a less number of stories as are included by law and which buildings are not equipped with fire escapes or which buildings may hereafter be erected or the fire escapes of which are renewed or in need of renewal, shall be equipped with such protection against fire and means of escape as is by law provided. The word "building" used in the law relating to fire escapes and protection against fire and means of escape from buildings shall be held to include all of the structures or inclosures embraced in this section or referred to more specifically in the law relating to fire escapes, protection against fire and means of escape from buildings. When a basement is five feet or over above ground it shall be counted as a story.

SEC. 4999–a7. *Number of fire escapes.*—[A formula is given by which the number of fire escapes on buildings of three or more stories in height is to be determined; the location, spacing, etc., are also regulated, and time allowances stated within which exit of employees, etc., must be possible by the use of the fire escapes supplied or to be supplied in buildings of the various kinds of construction. The use of sprinkler systems may extend the time allowance.]

SEC. 4999–a8. *Construction.*—[Fire escapes are of three classes, A, B, and C. Standards of type and construction are fixed for each, or approval by the commissioner of the bureau of labor statistics. Necessary windows or openings must be furnished, and ways and paths of access kept open and clear, and windows and doors not locked. Suitable signs must indicate exits.]

SEC. 4999–a9. *Buildings classified.*—[Classes of buildings are fixed, and the type or class of escape for each indicated.]

SEC. 4999–a9a. *Doors to open outward.*—[Doors of all structures where the hazard is deemed sufficient by the inspector must open outward and not be fastened against exit.]

SEC. 4999–a10. *Enforcement.*—[Building inspectors in cities and the commissioner of the bureau of labor statistics are charged with enforcement. Inspectors finding defects, etc., must give notice of changes required, from which an appeal to the commissioner may be taken. The commissioner is to make necessary rules and regulations for carrying out the law.]

SEC. 4999–a11. *Violations.*—[Violations of the law or of orders are misdemeanors, punishable by fine, $25 to $100, and $25 additional for each week's delay.]

Inspection, etc., of steam boilers

SECTION 5026. *Steam gauges, etc., to be provided.*—Any person owning or operating steam boilers in this State shall provide the same with steam gauge, safety valve and water gauge, and keep the same in good order. Any person neglecting so to do shall be fined not less than fifty nor more than five hundred dollars.

Blacklisting

SECTION 5027. *Blacklisting.*—If any person, agent, company or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent by word or writing of any kind, such discharged employee from obtaining employment with any other person, company or corporation, except by furnishing in writing on request a truthful statement as to the cause of his discharge, such person, agent, company or corporation shall be punished by a fine not exceeding five hundred nor less than one hundred dollars, and shall be liable for all damages sustained by any such person.

SEC. 5028. *Acts of agents.*—If any railway company or other company, partnership or corporation shall authorize or allow any of its or their agents to blacklist any discharged employee, or attempt by word or writing or any other means whatever to prevent such discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with any other person or company, except as provided for in the preceding section, such company or copartnership shall be liable in treble damages to such employee so prevented from obtaining employment.

Bribery of employees

SECTION 5028–n. *Receiving bribes.*—It shall be unlawful for any agent, representative or employee, officer or any agent of a private corporation, or a public officer, acting in behalf of a principal in any business transaction, to receive, for his own use, directly or indirectly, any gift, commission, discount, bonus or gratuity connected with, relating to or growing out of such business transaction; and it shall be likewise unlawful for any person, whether acting in his own behalf or in behalf of any copartnership, association or corporation, to offer, promise or give directly or indirectly any such gift, commission, discount, bonus or gratuity. Any person violating the provisions of this act or any of them shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars ($25), nor more than five hundred dollars ($500), or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

SEC. 5028–o. *Witnesses not excused.*—No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and

documents before any court or in obedience to the subpœna of any court having jurisdiction of the misdemeanor on the ground or for the reason that the testimony or evidence, documentary, or otherwise, required of him, may tend to incriminate him or to subject him to a penalty or forfeiture. But no person shall be liable to any criminal prosecution, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding: *Provided*, That no person so testifying or producing any such books, papers, contracts, agreements or documents shall be exempted from prosecution and punishment for perjury committed in so testifying: *Provided*, This act shall not apply to those cases in which the principals, being the contracting parties, have knowledge of and consent to the payment of a commission to an agent or representative.

False charges against employees of railroads, etc.

SECTION 5028-w1. *What acts misdemeanors.*—Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely and without probable cause, report to any railroad or any other company or corporation, or to any person or firm, or to any of the officers, servants, agents or employees of any such corporation, person or firm, that any conductor, brakeman, engineer, fireman, station agent or any employee of such railroad company, corporation, person or firm has received any money or thing of value for the transportation of persons or property or for other service for which he has not accounted to such corporation, person or firm, or shall falsely and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employee of any railroad company, corporation, firm or person, neglected, failed or refused to collect any money or ticket for transportation of persons or property or other service when it was their duty so to do, shall, on conviction, be adjudged guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or be imprisoned in the county jail for a period not exceeding thirty days.

Anti-trust law—Labor organizations exempt

SECTION 5067-a (as amended 1919, ch. 213). *Status of labor.*—* * * The labor of a human being either mental or physical is not a commodity or article of commerce and it shall not be unlawful for men and women to organize themselves into or carry on unions for the purpose, by lawful means of lessening the hours of labor or increasing the wages, or bettering the condition of the members of such organizations; or lawfully carrying out their legitimate purposes.

ACTS OF 1917

CHAPTER 183.—*Public printing—Wages and hours of labor*

SECTION 10. *Union conditions.*—* * * The contracts for printing and binding let under this act shall provide that as an assurance of satisfactory work being performed, those offices doing work for the State shall pay the wages and work the hours established by the typographical union in the city where said work is done.

ACTS OF 1923

CHAPTER 18.—*Factory, etc., regulations—Elevators*

SECTION 1. *Safety.*—[Elevators and machinery connected therewith, hoistways, hatchways and the like must be constructed, equipped, and guarded so as to be safe. Hoisting devices under the jurisdiction of the mine inspector are not affected by this act.]

SECS. 2-4. *Standards; conference board.*—[The governor is to appoint a conference board for the purpose of adopting a code of standards as to the construction, equipment, maintenance, and operation of elevators, such standards to have the force of law, and to be observed as regards all elevators coming under this act. The commissioner of the bureau of labor statistics is charged with the duty of inspection, and the enforcement of the provisions of this act.]

SEC. 5. *Ordinances.*—[Cities and towns may enact ordinances as to elevators not in conflict with this act or the rules authorized by it.]

SEC. 6. *Violations.*—[Violations are punishable by a fine of not less than $25 nor more than $100, or imprisonment not over 30 days, or both.]

KANSAS

GENERAL STATUTES—1915

Arbitration of labor disputes

SECTION 421. *Arbitration tribunals.*—The district court of each county, or a judge thereof in vacation, shall have the power, and upon presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining, and other industries.

SEC. 422. *Petition.*—The said petition shall be substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals or corportions within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners; and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

SEC. 423. *License.*—If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

SEC. 424. *Duration, jurisdiction, etc.*—Said tribunal shall continue in existence for one year from the date of the license creating it and may take jurisdiction of the dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident, or mistake.

SEC. 425. *Organization.*—The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

SEC. 426. *Compensation, etc.*—The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said disputes shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

SEC. 427. *Submissions.*—All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material and pertaining to the matters in hearing before the tribunal, and belonging to either

party to the dispute. The umpire shall have power where necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

SEC. 428. *Rules.*—The said tribunal shall have power to make, ordain and enforce rules for the government of the body when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of the State: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

SEC. 429. *Statements to be in writing.*—Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may, on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

SEC. 430. *Form of petition.*—The form of the petition praying for a tribunal under this act shall be as follows:

"*To the district court of* _____ *County* [or a judge thereof, as the case may be]: The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law."

Payment of wages—Semimonthly pay day

SECTION 2164. *Duty of corporations.*—All corporations doing business in this State, which shall employ any mechanics, laborers, or other servants, shall pay the wages of such employees as often as semimonthly: *Provided*, This act shall not apply to the State or any municipal corporation.

SEC. 2165. *Violations.*—[Violations entail a fine, $50 to $500 for each offense.]

Strikes of railroad employees, etc.

SECTION 3755. *Abandonment of locomotives.*—If any locomotive engineer, in furtherance of any combination or agreement, shall willfully and maliciously abandon his locomotive upon any railroad, at any other point than the regular schedule destination of such locomotive, he shall be fined not less than twenty dollars nor more than one hundred dollars, and confined not less than twenty days nor more than ninety days in the county jail.

SEC. 3756. *Intimidation, etc.*—If any person or persons shall willfully and maliciously by any act or by means of intimidation, impede or obstruct, except by due process of law, the regular operation and conduct of the business of any railroad company, or other corporation, firm, or individual in this State, or of the regular running of any locomotive engine, freight or passenger train of any such company, or the labor and business of any such corporation, firm, or individual, he or they shall on conviction thereof be punished by a fine of not less than twenty dollars nor more than two hundred dollars, and confined in the county jail not less than twenty days nor more than ninety days.

SEC. 3757. *Conspiracy.*—If two or more persons shall willfully and maliciously combine or conspire together to obstruct or impede by any act, or by means of intimidation, the regular operation and conduct of the business of any railroad company, or any other corporation, firm, or individual in this

State, or to obstruct, hinder, or impede, except by due process of law, the regular running of any locomotive engine, freight or passenger train on any railroad, or the labor or business of any such corporation, firm, or individual, such persons shall on conviction thereof be punished by a fine not less than twenty dollars nor more than two hundred dollars, and confined in the county jail not less than twenty days nor more than ninety days.

SEC. 3758. *Act construed.*—This act [secs. 3755–3757] shall not be construed to apply to cases of persons voluntarily quitting the employment of any railroad company, or such other corporation, firm, or individual, whether by concert of action or otherwise, except as is provided in section one of this act [sec. 3755].

Protection of employees as voters

SECTION 4219. *Attempting to influence vote.*—Any person or corporation who shall refuse to an employee the privilege hereby conferred, or shall subject an employee to a penalty or deduction of wages because of the exercise of such privileges, or who shall in any manner attempt to influence or control such voter as to how he shall vote, by offering any reward, or by threatening his discharge from employment, or otherwise intimidating him from a full and free exercise of his right to vote, or shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor, and be fined in any sum not less than fifty dollars nor more than one hundred dollars.

Wages—Exemptions—Preference

SECTION 4553. *Widow's preference.*—[Grants the widow of a deceased workman his personal earnings exempt to him from attachments, etc.]

SEC. 4564. *Wage preference.*—[Wage debts owed by a deceased employer rank with expenses of last sickness and of administration, funeral expenses being a prior charge.]

SEC. 4703. *Personal property not exempt.*—[No personal property of any wage debtor is "exempt from attachment or execution for the wages of any clerk, mechanic, laborer or servant."]

SEC. 4705. *Wages exempt, when.*—Wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases where the cause of action rose [arose] out of this State, unless the defendant in the attachment or garnishment suit is personally served with process; and if the writ of attachment or garnishment is not personally served on the defendant, the court issuing the writ of attachment or garnishment shall not entertain jurisdiction of the cause, but shall dismiss the suit at the cost of the plaintiff.

Free public employment offices

SECTIONS 5849–5857. *Bureau established.*—[These sections contain provisions for the organization of a free employment bureau, under a director of free employment, the purpose of which is to establish and maintain free employment offices in cities of the first and second class. The duties of the director and of the officials of the cities concerned are prescribed, printing provided for, and a system of registration and reports, arrangements to secure harvest labor, etc. (See the act, chapter 62, Acts of Extra Session, 1920, declared cumulative of acts now in force, but in apparent conflict in several respects with the above sections, and being of later enactment, must be regarded as the current law.)]

Private employment offices

SECTIONS 5858, 5859. *Licenses.*—[Licenses must be procured from the director of the State free employment bureau before any private agency can open. The fee in cities of 20,000 or over is $25 per annum, and in smaller cities, etc., $10. Licenses may issue for fractional parts of the year, but not for less than one-third of the full annual rate.]

SECS. 5860, 5861. *Bonds.*—[Bond in the sum of $500 is required in all cases, conditioned on compliance with the act. The director of free agencies may bring action thereon in case of violations.]

SEC. 5862. *Revocation.*—[Licenses may be revoked for violations, after written complaint filed, and hearing.]

SEC. 5863. *Register.*—[Registers of persons applying for help must be kept open to inspection at all reasonable times.]

SEC. 5864. *Fees.*—[Registration fees may not exceed $1 in amount unless the wage or salary be more than $3 per day, when $2 may be charged. Receipts are required, and the fee must be returned in full, on demand, if no position is procured in 3 days.]

SECS. 5865, 5866. *False statements; complaints.*—[False notices, etc., and false or fraudulent entries are forbidden. If informed of violations, the director must file complaint with the attorney general or county attorney.]

SEC. 5867. *Violations.*—[Failure to comply entails a penalty of $50 to $100, or imprisonment not more than 6 months, or both.]

Hours of labor on public works—Wages

SECTION 5870 (as amended 1923, ch. 157). *Eight hours a day's work.*—Eight hours shall constitute a day's work for all laborers, workmen, mechanics or other persons now employed or who may hereafter be employed by or on behalf of the State of Kansas, or by or on behalf of any county, city, township or other municipality of said State, except in cases of extraordinary emergency, which may arise in time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided, further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, and other persons so employed by or on behalf of the State of Kansas, or any county, city, township or other municipality of said State. And laborers, workmen, mechanics and other persons employed by contractors or subcontractors in the execution of any contract or contracts within the State of Kansas, or within any county, city, township or other municipality thereof, shall be deemed to be employed by or on behalf of the State of Kansas, or of such county, city, township or other municipality thereof: *Provided, further*, That any cities of the second or third class owning or operating municipal light and water plants be and the same are hereby exempted from the provisions of this act: *Provided, further*, that this act shall not apply to township or county work in dragging or grading dirt roads.

SEC. 5871. *Applies to all contracts.*—All contracts hereafter made by or on behalf of the State of Kansas, or by or on behalf of any county, city, township, or other municipality of said State, with any corporation, person or persons, for the performance of any work or the furnishing of any material manufactured within the State of Kansas, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer, workman, mechanic or other person to work more than eight hours per calendar day in doing such work or in furnishing or manufacturing such material, except in the cases and upon the conditions provided in section 1 of this act [sec. 5870].

SEC. 5872. *Violations.*—[Penalty for violation is a fine, $50 to $1,000, or imprisonment 6 months, or both.]

This law is constitutional. 61 Kans. 257; 24 Sup. Ct. 124.

This act does not apply to persons taking contracts, but only to laborers working by the day. 49 Pac. Rep. 329.

It is superior to a city ordinance fixing ten hours as a day's work on streets by persons working out poll tax. 55 Pac. 336.

A school district is a municipality within the meaning of this act. 69 Pac. 172.

This act controls contracts by cities for municipal improvements. A municipal corporation is such an agent of the State as to be controlled by those limitations which the State sees fit to provide for itself. 67 Pac. Rep. 519.

It does not furnish ground for a suit for pay for overtime labor rendered under an executed contract. 65 Pac. 638.

Payment of wages on termination of employment

SECTION 5880. *Wages to be paid, when.*—It shall be unlawful for any firm or corporation employing labor within this State, to refuse or neglect to pay to any person leaving its service either by resignation or discharge any money due as wages within ten days from the termination of such services, and such

payment must be made either at the place of discharge or at any office of such company or corporation within the State as may be designated by the party employed, he giving notice in writing to the foreman or party in charge of such work.

SEC. 5881. *Violations.*—[Where employers fail to pay wages as required above, the wages continue at the same rate until paid, but not for more than 60 days unless action was begun within that time.]

This statute is valid legislation. Livingston *v.* Oil Co., 216 Pac. 296.

Wages as preferred claims—In insolvency

SECTION 5885. *Priority of wages.*—[All wages due laborers or employees other than officers of a corporation, earned within 6 months preceding insolvency, "shall be preferred to every other debt or claim."]

Factory, etc., regulations—Provisions for safety

SECTION 5886. *Elevator shafts.*—Every person owning or operating any manufacturing establishment which may contain any elevator, hoisting-shaft or well-hole shall cause the same to be properly and substantially inclosed or secured, in order to protect the lives or limbs of those employed in such establishment.

SEC. 5887. *Stairways.*—Proper and substantial hand-rails shall be provided in all stairways in manufacturing establishments. The stairs shall be properly secured at the sides and ends, and all doors leading into such establishments shall be so constructed as to open outwardly, and shall be neither locked, bolted, nor fastened during working hours.

SEC. 5888. *Fire escapes.*—In all manufacturing establishments three or more stories high, at least one fire-escape, and as many more as may be reasonably necessary, shall be provided on the outside of said establishment, connecting with each floor above the first, well fastened and secured, and of sufficient strength. Each of said fire escapes shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings, and the balconies or landings shall be connected by iron stairs not less than eighteen inches wide, the steps not to be less than six inches tread, placed at a proper slant, and protected by a well-secured hand-rail on each side, with twelve-inch drop-ladder from the lower platform reaching to the ground.

SEC. 5889. *Belt shifters, guards, etc.*—Every person owning, or operating any manufacturing establishment in which machinery is used shall furnish and supply for use therein belt-shifters or other safe mechanical contrivance, for the purpose of throwing on or off belts or pulleys; and wherever it is practicable, machinery shall be operated with loose pulleys. All vats, pans, saws, planers, cog gearing, belting, shafting, set-screws and machinery of every description used in a manufacturing establishment shall, where practicable, be properly and safely guarded, for the purpose of preventing or avoiding the death of or injury to the persons employed or laboring in any such establishment; and it is hereby made the duty of all persons owning or operating manufacturing establishments to provide and keep the same furnished with safeguards as herein specified.

SEC. 5890. *Action for injuries.*—If any person employed or laboring in any manufacturing establishment shall be killed or injured in any case wherein the absence of any of the safeguards or precautions required by this act shall directly contribute to such death or injury, the personal representatives of the person so killed, or the person himself in case of injury only, may maintain an action against the person owning or operating such manufacturing establishment for the recovery of all proper damages. In cases where the action is brought by the personal representative of the deceased, said action shall be governed in all respects not herein provided for by the provisions of the statutes now in force which authorize and regulate the bringing of actions to recover damages in cases where the death of one is caused by the wrongful act or omission of another: *Provided*, Action shall be commenced in the county where the accident occurred.

SEC. 5891. *Failure to provide appliances.*—In all actions brought under and by virtue of the provisions of this act, it shall be sufficient for the plaintiff to prove in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establish-

ment where such death or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguard directly contributed to such death or injury.

Sec. 5892. *Definition.*—Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and, in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural products or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Sec. 5893. "*Person*" *defined.*—Wherever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

Assumption of risk is not a defense where an employer has failed to comply with the provisions of the law. 90 Pac. 821.

The act excludes the defense of contributory negligence. 109 Pac. 657.

Violation by an employer resulting in injury is prima facie evidence of negligence. 95 Pac. 1047.

The plaintiff is not required to show the practicability of safeguards. 109 Pac. 657.

A grain elevator where corn is shelled and wheat is cleaned is a manufacturing establishment within the meaning of this act. 133 Pac. 709.

And so is a railroad carpenter shop, though nothing made therein is offered for sale, being exclusively for the use of the company. 131 Pac. 575.

Protection of employees on buildings

Section 5894. *Workmen may make complaint.*—Whenever it shall come to the notice of any workman, laborer or mechanic employed in the construction, repairing or painting of any building, tower, tank, or other structure, or of any other person or persons, that the staging, scaffolding, stays or other appliances used for the purpose of supporting said workmen, laborers, or mechanics, their tools, and all necessary material, while at work on such building, tower, tank, or other structure, are not of sufficient strength to safely carry the weight of such workmen, laborers, or mechanics, their tools, and all necessary material, while working thereon, or if any elevator, derrick or hoist used for the purpose of raising or lowering workmen or material to be used in the aforesaid construction, repairing or painting are not of sufficient strength to do the work required of them, or are not surrounded by the proper safeguards, said workmen, laborers, mechanics or other person or persons may make complaint to the State factory inspector, who shall forthwith inspect, or cause to be inspected by his assistant or deputy, such insufficient staging, scaffolding, stays, elevators, derricks, hoists or other appliances used in the said construction, repairing, or painting, and if found upon inspection to be insufficient and unsafe, or not properly surrounded by safeguards, it shall be the duty of the said State factory inspector, his assistant or deputy, to then and there notify the contractor, owner, superintendent or person in charge of the construction, repairing or painting of said building, tower, tank or other structure, of the conditions of such staging, scaffolding, stays, elevators, derricks, hoists or other appliances used as aforesaid. It shall then become incumbent upon the said contractor, owner, superintendent or person having in charge the said construction, repairing, or painting, having been so notified, to immediately reconstruct, repair, strengthen, or cause to be reconstructed, repaired, or strengthened, such defective staging, scaffolding, stays, elevators, derricks, hoists, or other appliances, and put in place and maintained, or cause to be put in place and maintained, such railing or other safeguards as may be deemed necessary by the said inspector, his assistant or deputy, to bring them safely within the provisions of this act [secs. 5894, 5895].

Sec. 5895. *Duty of contractors, etc.*—Any contractor, owner, superintendent or person in charge of the construction, repairing or painting of any building tower, tank or other structure, who, after having received notice from the State factory inspector, his assistant or deputy, shall fail or refuse to comply with the provisions of this act [secs. 5894, 5895] and the demands of the said inspector, his assistant or deputy, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be

fined not less than ten dollars nor more than one hundred dollars for such offense, and an additional fine of five dollars for each day the said work is continued after such notice until the provisions of this act have been fully complied with.

Accidents on railroads, etc.—Reports and investigations

SECTION 5943. *Reports required.*—Wherever loss of life or serious personal injury shall occur in or about any factory, workshop, work yard, mill or other industrial establishment, or on any building in course of construction, or in the operation of any railroad, street-car line, public works, or in or about any passenger or freight elevator or other place, works or yards, where machinery or motive power is used, by reason of defects or faults in machinery, appliances, tools, scaffolding, ropes, cables or other appliances or materials used in construction or in the operation of said machinery or appliances, or motive power, so used, it shall be the duty of the owner, agent, manager, superintendent, or foreman in charge thereof, within twenty-four hours shall [to] mail a notice to the State factory inspector with a true and complete statement so far as known of the manner in which such accident occurred, and the cause and casualties thereof: *Provided*, Such statement shall not be competent evidence in any court in this State. If on receipt and examination of such statement and in his judgment the circumstances shall warrant, it shall be the duty of the State factory inspector to immediately go or send a deputy to the scene of such accident, and to make such investigation and recommendations and require such alterations of the machinery and appliances causing such accident as may be necessary to prevent a recurrence of said accident, and for the safety and protection of other persons there employed. In case any person is killed in an accident as described in the foregoing, and a coroner's inquest is held, the State factory inspector or his deputy may attend and participate in the inquest, upon the request of the coroner and county attorney, and ascertain by the testimony before the coroner the cause of such accident, for the purpose of securing such information as may be necessary to prevent a repetition of such accident.

SEC. 5944. *Reports by inspector.*—The State factory inspector shall incorporate in his annual report to the governor a report of said accidents occurring, the cause and casualties of said accidents as ascertained, whether fatal or nonfatal, and a record of the recommendations made in such cases.

SEC. 5945. *Violations.*—[Failure to comply with this act entails penalty of $100 to $500, or imprisonment 30 to 90 days, or both.]

SEC. 5946. *Exemptions.—Provided*, That this act shall not apply to the coal or salt mines of this State.

Seats for female employees

SECTION 5947. *Seats to be provided.*—The proprietor, manager, or person having charge of any mercantile establishment, store, shop, hotel, restaurant, or other place where women or girls are employed as clerks or help therein in this State shall provide chairs, stools, or other contrivances for the comfortable use of such female employees and shall permit the use of the same by such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties.

SEC. 5948. *Penalty.*—Any proprietor, manager, or other person violating the preceding section of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Blacklisting

SECTION 5949. *Blacklisting.*—Any employer of labor in this State, after having discharged any person from his service, shall not prevent or attempt to prevent by word, sign, or writing of any kind whatsoever any such discharged employee from obtaining employment from any other person, company, or corporation except by furnishing in writing, on request, the cause of such discharge.

SECS. 5951, 5952. *Violations.*—[Penalty for violation entails a fine of $100 and imprisonment 30 days; also threefold damages and attorney's fee.]

Mine regulations

SECTIONS 6272–6287, 6292 (as amended 1919, ch. 231), 6293–6341, 6342 (as amended 1917, ch. 241), 6343–6345, 6346 (as amended 1917, ch. 241), 6348–6354. *Regulations.*—[These sections combine various laws affecting coal mines in the State. Maps are required, at least two openings, the inspection of steam boilers used in and around mines, ventilation, the employment of a mining boss, a State mine inspector is provided for, the installation of telephone systems, etc. The use of explosives, illuminating oils, the weighing of coal, the operation of hoists, the fencing of machinery, shafts, etc., are regulated; wash rooms are required, and the employment of a checkweighman by the miners permitted.]

Payment of wages—Coal miners

SECTION 6355. *Changing or altering car checks.*—It shall be unlawful for any person to change, exchange, substitute, alter, or remove any number or check number placed upon any car or pit car in or about any mine in the State of Kansas with the intent to cheat or defraud any other person out of the value of his services in mining and loading the coal or mineral contained in such car or pit car; and it shall be unlawful for any person, with the intent to cheat or defraud another, to place any number or check number upon any car or pit car loaded by any other person in or about any mine.

SEC. 6356. *Violations.*—[Fine of $100 or imprisonment not exceeding 6 months, or both, are penalties for violations.]

Employment of children in certain occupations forbidden

SECTION 6403. *Minors.*—[This section relates to acrobatic, mendicant, etc., occupations of children under 14. See similar law of Delaware (more complete), sec. 2223, Delaware Code.]

Injunctions in labor disputes

SECTION 7146. *Notice and hearing.*—No injunction whether interlocutory or permanent in any case between employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms, or conditions of employment shall be issued without previous notice, and an opportunity to be heard on behalf of the parties to be enjoined, which notice, together with a copy of the motion, petition, or other pleading upon which the application for such injunction will be based, shall be served upon the parties sought to be enjoined a reasonable time in advance of such application. But if it shall appear to the satisfaction of the court or judge that the immediate and irreparable injury is likely to ensue to the complainant, and that the giving of notice of the application or the delay incident thereto would probably permit the doing of the act sought to be restrained before notice could be served or hearing had thereon, the court or judge, may, in his discretion, issue a temporary restraining order without notice. Every such order shall be indorsed of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed seven days, as the court or judge may fix, unless within the time so fixed the order is extended or renewed for a like period, after notice to those previously served, if any, and for good cause shown, and the reasons for such extension shall be entered of record.

SEC. 7147. *Security for costs and damages.*—No restraining order or interlocutory order of injunction shall issue except upon the giving of security by the applicant in such sum as the court or judge may deem proper, conditioned upon the payment of such costs and damages as may be incurred or suffered by any party who may be found to have been wrongfully enjoined or restrained thereby.

SEC. 7148. *Contents.*—Every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the petition, motion, or other document, the act or acts sought to be restrained; and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall by personal service or otherwise have received actual notice of the same.

SEC. 7149. *When granted.*—No restraining order or injunction shall be granted by any court of the State of Kansas, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney. And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means to do so; or from attending at or near a house or place where any person resides or works, or carries on business, or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute; or from recommending, advising, or persuading others by peaceful means to do so; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

Exemption of wages—In executions

SECTIONS 7435, 7436. *Wages exempt on affidavit.*—[If the judgment debtor makes affidavit that earnings for personal services within 3 months prior to the judgment are necessary for the support of his family, such earnings are exempt; except that ten per cent monthly may be taken and applied to the debt, plus $4 court costs.]

Railroads, etc.—Accidents to be reported

SECTION 8360. *Reports required.*—[Common carriers and all public utilities covered by this statute are required to report to the public utilities commission all accidents attended with loss of life or serious personal injury, which the commission may investigate if it deems the public interest requires such action.]

Railroads—Height of wires over tracks

SECTIONS 8450–8452. *Regulations.*—[The board of railroad commissioners is authorized to make reasonable rules as to the stringing of wires over tracks; but they may not be less than 25 feet above same, except trolley and feed wires of electric railroads, which may not be less than 22 feet. Complaints by interested parties must be investigated and violations prosecuted.]

Railroads—Liability for injuries to employees

SECTION 8480. *Injuries caused by fellow servants, etc.*—Every company, corporation, receiver, or other person operating any railroad in this State shall be liable in damages to any person suffering injury while he is employed by such carrier operating such railroad, or, in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow and children, or husband and children, or children, or mother or father of the deceased, and if none, then the next of kin dependent upon such employee for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier; or by reason of any insufficiency of clearance of obstructions, of strength of road bed and tracks or structure, of machinery and equipment, of lights and signals, or rules and regulations, and of number of employees to perform the particular duties with safety to themselves and their coemployees, or of any other insufficiency, or by reason of any defect, which defect is due to the negligence of said employer, its officers, agents, servants, or other employees in its cars, engines, motors, appliances, machinery, track, roadbed, boats, works, wharves, or other equipment.

SEC. 8481. *Negligence to be measured.*—In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier, its officers, agents, servants, or other employees of any Federal or State statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 8482. *Risks not assumed, when.*—Any action brought against any common carrier, under or by virtue of any of the provisions of this act, to recover damages for injuries to or the death of any of its employee[s], such employees shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier, its officers, agents, servants, or other employees of any Federal or State statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 8483. *Waivers.*—Any contract, rule, regulation, or device whatsoever the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act shall to that extent be void: *Provided*, That in any action brought against any common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 8484. *Rights survive.*—Any right of action given by this act to a person suffering injury shall survive to his or her personal representatives for the benefit of those entitled to recover under this act, but in such cases there shall be only one recovery for the same injury.

Railroads—Provisions for safety

SECTION 8492. *Flagmen required, when.*—All persons or corporations operating railroads in the State of Kansas are hereby required to protect engines, trains, or cars which may at any time obstruct main tracks over which scheduled trains or trains under special orders are operated or run, by stationing a reliable and competent flagman in such a position as to stop approaching trains.

SEC. 8493. *Same.*—When any train or trains, engines or cars are obstructing any main line or other tracks that are being used for main-line purposes they shall be protected against approaching trains at all times regardless of the use of any manual or automatically controlled block system or signal, or any yard limit board, by a reliable and competent flagman with both visible and audible signals.

SEC. 8494. *Violations.*—[Penalty for violations is a fine, $100 to $1,000.]

SEC. 8495. *Violations by employees.*—[Flagmen, etc., failing or neglecting to carry out orders given as above may be fined $10 to $50 for each offense.]

Railroads—Shelter for repair tracks

SECTION 8545. *Shelters required, when.*—It shall be unlawful for any railroad company or corporation or other persons who own, control, or operate any line of railroad in the State of Kansas to build or repair railroad equipment at division points where shops are located without providing sheds, so constructed that they may be entirely inclosed, over the tracks exclusively used for such repair work, so that all men permanently employed for such repairs may be protected during storms or other inclement weather or from extreme heat: *Provided*, Nothing in this act shall relate to temporary repairs made at places other than regular shops.

SEC. 8546. *Violations.*—[Violations are punishable by fine, $25 to $100.]

Street railways—Protection of employees, etc.

SECTION 8702 (as amended 1917, ch. 255). *Closed vestibule.*—[Requires vestibule to be inclosed November to March, inclusive, and a temperature to be maintained not less than is healthful and comfortable; also a seat for the motorman, to be used "under reasonable restrictions."]

SEC. 8703. *Toilets on cars.*—[Interurban cars must be provided with proper toilet facilities to which employees shall have access.]

SEC. 8704. *Penalties.*—[Penalties are fixed for violations, each day each car is operated without compliance being an offense.]

Railroads—Structures over tracks

SECTION 8706. *Regulations.*—[Forbids the erection of any overhead crossing less than 22 feet above the rails.]

Employment of children—School attendance

SECTION 9415. *Compulsory attendance.*—[Requires attendance at school until 15, unless 14, able to read and write the English language, and "actively and regularly employed for his own support or for the support of those dependent upon him."]

SEC. 9416 (as amended 1923, ch. 182). *Penalties.*—[Parents, guardians, and employers violating the provisions of this act are subject to a fine of not less than $5 nor more than $25, and may be committed to the county jail until paid.]

Department of labor and industry

SECTION 10414. *Department created.*—A department of labor and industry is hereby created, to be under the control of a commissioner of labor and industry, * * *. [See ch. 262, Acts of 1921.]

SEC. 10416. *Duties of commissioner.*—The commissioner of labor and industry shall be ex officio State factory inspector, State mine inspector, and director of the free employment bureaus, and is hereby given full jurisdiction over and control of factory, workshop, and mill inspection, mine inspection and the free employment bureau, and all the duties now imposed by existing laws upon the commissioner of the bureau of labor and industry and State factory inspector, State mine inspector and director of the free employment bureau shall from and after taking effect of this act, devolve upon the commissioner of labor and industry appointed as herein provided.

SEC. 10418. *Woman inspector.*—The commissioner of labor and industry shall appoint as one of the deputy State factory inspectors a woman who, under the direction of the commissioner of labor and industry, shall have charge of the enforcement of all laws relating to the health, sanitary conditions, surroundings, hours of labor and all other laws affecting the employment of female wage earners. Such woman shall be a qualified elector of this State, shall have had at least two years' actual experience along the line of her labors as prescribed by this act and who shall have been a resident of the State of Kansas for at least two years immediately preceding such appointment.

SEC. 10420. *Appointees.*—All appointees made by the commissioner of labor and industry shall be under his direction and control, and shall hold their office during his pleasure.

SEC. 10421. *Bonds.*—The commissioner of labor and industry, assistant commissioner, deputy factory inspectors, and deputy mine inspectors shall give bond for the faithful performance of their duties in such sum as the executive council shall determine.

SEC. 10423. *Scope of reports.*—It shall be the duty of the commissioner to collect, assort, arrange, and present in annual reports to the governor, to be by him biennially transmitted to the legislature, statistical details relating to all departments of labor and industrial pursuits in the State; to the subjects of cooperation, strikes, and other labor difficulties; to trade-unions and other labor organizations and their effect upon labor and capital; to other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions prevailing within the State; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the respective industries of the State. It shall also be the duty of the commissioner of the bureau to cause to be enforced all laws regulating the employment of children, minors, and women; all laws established for the protection of health, lives, and limbs of operators in workshops and factories, on railroads, and other places; and all laws enacted for the protection of the working classes now in force or that may hereafter be enacted. In its annual report the bureau shall also give an account of all proceedings which have been taken

in accordance with the provisions of this act, or any of the other laws herein referred to, and in addition thereto such remarks, suggestions, and recommendations as the commissioner may deem necessary for the information of the legislature.

SEC. 10424. *Question blanks.*—The commissioner is hereby authorized to furnish and deliver a written or printed list of interrogatories to any person, company, or the proper officer of any corporation operating within the State, and require full and complete answers to be made thereto, and returned under oath. The commissioner shall have a seal, and have power to take and preserve testimony, to issue subpœnas and administer oaths, and examine witnesses under oath in all matters relating to the duties herein required by said bureau, such testimony to be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses subpœnaed and testifying before the commissioner of said bureau shall be paid the same fees as witnesses before the district court; such payment to be made from the incidental fund of the bureau. Any person duly subpœnaed under the provisions of this act who shall willfully neglect or refuse to attend, or refuse to answer any question propounded to him concerning the subject of such examination as provided in this act, or if any person to whom a written or printed list of interrogatories has been furnished by said commissioner shall neglect or refuse to answer and return the same under oath, such person or persons shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner before a court of competent jurisdiction, and upon conviction thereof, such person or persons shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment: *Provided, however*, That no witness shall be compelled to go outside of the county in which he resides to testify. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this act, unless by written permission, such information being deemed confidential and not for the purpose of disclosing personal affairs; and any officer, agent, or employee of the bureau violating this provision shall forfeit a sum not exceeding five hundred dollars or be imprisoned not more than one year.

SEC. 10425 (as amended 1917, ch. 228). *Inspection of establishments.*—The commissioner of labor and industry as State factory inspector, his deputies, assistants, and special agents, shall have power to enter any factory or mill workshop, private works or State institution having shops or factories, mercantile establishment, laundry, or any other place of business where and when labor is being performed, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places and to keep a record thereof of such inspection. If it shall be found upon such investigation that the heating, lighting, ventilation, or sanitary arrangement of any such establishment or place is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs, or machinery in any such establishment or place are so located or are in a condition so as to be dangerous, or are not sufficiently guarded, or that the vats, pans, or any other structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, or that the construction or condition of any building or buildings, or any boiler, machinery, or other appurtenance in or about any place as described in this section is such as to be dangerous or injurious to the persons employed or residing therein, or that the methods of operation are such as to be unnecessarily dangerous or injurious to the persons employed or residing therein, or that any other condition which is within the control of the owner, proprietor, agent, or lessee of any such building, establishment, or place be found to be dangerous or injurious to any persons employed therein or to any other person or persons, the officer making such inspection shall notify in writing the owner, proprietor, agent, or lessee of such building, establishment, or place to provide such safeguards or safety devices, or to make such alterations or additions, or to make the changes in methods of operation by him deemed necessary for the safety and protection of the employees or other persons endangered by such conditions, and it shall be the duty of the person or persons receiving such notice to use all proper

diligence to comply with the recommendations contained in said notice, and immediately upon completion thereof to mail or deliver a written notice to the commissioner of labor at Topeka, Kansas, stating that said safeguards or safety devices have been provided or that said alterations or additions or changes in methods of operation have been fully made, and if such safeguards or safety devices are not provided, or said alterations or additions or changes in methods of operation are not made, and the commissioner of labor notified thereof, as provided herein, within thirty days, or within such time as such safeguards or safety devices can be provided or said alterations or additions or said changes in methods of operation can be made, and the commissioner of labor notified thereof, with proper diligence upon the part of such owner, proprietor, agent, or lessee, said owner, proprietor, agent, or lessee so notified shall be deemed guilty of a misdemeanor, and upon complaint of the commissioner of labor, as State factory inspector, or his deputy or special agent, before a court of competent jurisdiction, and upon conviction thereof shall be fined in a sum of not less than $25 nor more than $200, or by imprisonment not more than ninety days, or by both such fine and imprisonment. No person, firm, or corporation, nor any officer, agent, or employee thereof, shall remove or require to be removed, or made ineffective any practical safeguard around or safety attachment to any machinery, vats, pan, or other apparatus or device mentioned in this section while the same is in use, except for the purpose of immediately making repairs thereto, and all safeguards or safety attachments so removed shall be promptly replaced before the said dangerous machine, apparatus, or device is put into use or operation, and any person, firm, or corporation, or any officer, agent, or employee thereof, who shall require or permit such unnecessarily dangerous machine apparatus, or device under his or their control to be used or operated without said safeguard being in proper place and condition for the safety and protection of the operator or other person or persons, or who shall require or permit the continuance of such unnecessarily dangerous or injurious method of operation which has been prohibited by the commissioner of labor or his deputy by written recommendation, as provided in this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $100, and each day of continued violation of this provision shall constitute a separate offense. Any employee or other person who shall operate any dangerous machine, apparatus, or device for which a practical safeguard or safety attachment is provided, and of which said person or persons have knowledge, without such safeguard or safety attachment being in proper place for the protection of such employee or other persons, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than $5 nor more than $25, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment: *Provided further*, That all orders and findings of the commissioner of labor and industry under this act shall be reasonable. Any person, company, or corporation dissatisfied with an order of the commissioner of labor and industry under this act may, within thirty days after the same is made and promulgated, commence an action in any court of competent jurisdiction against the commissioner of labor and industry as defendant, to vacate and set aside any such order, finding, or decision of the commissioner of labor and industry, on the ground that such order, finding, and decision is unlawful or unreasonable. Action brought under this section shall have precedence in any court, and on motion shall be advanced over any civil cause of a different nature pending in such court, and such action shall be tried and determined as other civil actions.

Sec. 10426. *Definitions.*—The following expressions used in this act shall have the following meanings: The expression "person" means an individual, corporation, partnership, company, or association. The expression "children" means minor persons under the age of fourteen years. The expression "minor" means a male person under the age of twenty-one years, or a female person under the age of eighteen years. The expression "women" means female persons of eighteen years of age and upward. The expression "factory" means any premises where steam, water, or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room, or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control: *Provided how-*

ever, That the exercise of such manual labor in a private house, or a private room, by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The aforesaid expressions shall have the meanings above defined for them respectively in all laws of this State relating to the employment of labor, unless a different meaning is plainly required by the context.

SEC. 10427. *Duty of officers.*—All State, county, township, and city officers are hereby directed to furnish said commissioner, upon his request, such statistical or other information contemplated by this act as shall be in their possession as such officers.

SEC. 10428. *Annual reports.*—The annual reports of the bureau of labor and industry provided for in this act shall be printed in the same manner and under the same regulations as the report of the executive officers of the State: *Provided*, Not less than three thousand nor more than ten thousand copies of the report shall be printed and distributed annually, as the judgment of the commissioner may deem best: *And provided further*, That said report shall not contain more than six hundred pages. The blanks and other stationery required in accordance with the provisions of this act shall be furnished by the secretary of state upon the requisition of the commissioner of said bureau, and paid for from the printing fund of the State.

SEC. 10430. *Same.*—The commissioner of labor is hereby authorized and required to publish annually a report of his department, and said report shall contain the information and matter required by law for the full period since his last report.

Employment of women and children—Minimum wage—Hours of labor

SECTION 10495. *Basis of law.*—The State of Kansas exercising herewith its police and sovereign power declares that inadequate wages, long-continued hours and unsanitary conditions of labor, exercise a pernicious effect on the health and welfare of women, learners and apprentices, and minors.

SEC. 10496. *What employment unlawful.*—It shall be unlawful to employ women, learners, and apprentices and minors in any industry or occupation within the State of Kansas under conditions of labor detrimental to their health or welfare and it shall be unlawful to employ women, learners, and apprentices and minors in any industry within the State of Kansas at wages which are not adequate for their maintenance and for more hours in any one day than is consonant with their health and welfare, except as hereinafter provided.

SEC. 10497 (as amended 1921, ch. 263). *Wages and hours of women, etc.*—The court of industrial relations may establish such standard of wages, hours, and conditions of labor for women, learners and apprentices, and minors employed within this State as shall be held hereunder to be reasonable and not detrimental to health and welfare: *Provided, however*, The court may establish different minimum hours and standards for each class in an occupation of different localities in the State, when, in the judgment of the court the different conditions obtaining justify such action.

SEC. 10500 (as amended 1921, ch. 263). *Records of women, minors, etc.*—Every employer of women or of learners and apprentices, or of minors shall keep a register of all such persons employed by him; and every such employer shall on request permit the court or any of its members, or agents, to inspect such register.

SEC. 10502 (as amended 1921, ch. 263). *Conditions prejudicial.*—If after investigation the court of industrial relations is of the opinion that in any occupation the wages, hours, and conditions, sanitary and otherwise, are prejudicial to the health or welfare of any substantial number of the classes of employees named in this act and are inadequate to supply the necessary cost of living and to maintain the worker in health it shall publish a notice, not less than once a week for four successive weeks in the official State paper, that it will on a date and at a place named in said notice, hold a public meeting at which all persons will be given a hearing; and, after said publication of said notice and said meeting, the court of industrial relations may, in its discretion, make and render such an order as may be proper or necessary, and require all employers in the occupation affected thereby to observe and comply with such determinations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the 60th day following its making and rendition. The

court of industrial relations shall, in so far as it is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room of his establishment. Whenever wages, hours, or conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the court of industrial relations may at its discretion reopen the question.

SEC. 10509. *Violations.*—A violation of any provision of this act shall constitute a misdemeanor, and anyone convicted thereof shall be punished by a fine of not less than twenty-five ($25) dollars, nor more than one hundred ($100) dollars for each such misdemeanor.

SEC. 10511. *Penalties.*—Any employer who employs any woman, or minor, learner or apprentice in any occupation at less than the minimum wage or for a greater number of hours in a day or week fixed or under sanitary or other conditions forbidden by order or license issued by the commission, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars for each such misdemeanor. Any woman or minor or learner or apprentice who shall receive less than the minimum wage or shall be compelled to work for a greater number of hours than that fixed by order or license issued by the commission shall be entitled to recover in a civil action the full amount of the legal minimum wage, and compensation at the same rate for the number of hours of overtime work as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage or greater number of hours. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 10515. *Act construed.*—This act is to be construed as supplemental to existing laws regulating the employment of women, learners and apprentices, and minors.

Rates of wages in State printing office

SECTION 10809. *Rate.*—[Pay shall be no greater than that paid by other printing and binding offices employing the same class of labor, to be paid weekly.]

ACTS OF 1917

CHAPTER 167.—*Interference with employment—Vagrancy*

SECTION 1. *Who are vagrants.*—Any person engaged in any unlawful calling whatever, or who shall be found loitering without visible means of support in any community, or who, being without visible means of support shall refuse to work when work at fair wages is to be procured in the community, or who shall threaten violence or personal injury to fellow workmen or to employers of labor, shall be deemed a vagrant, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars and shall be imprisoned in the county jail for a period not less than thirty days nor more than six months.

SEC. 2. *Duty of officers.*—It shall be the duty of all sheriffs and their deputies, chiefs of police and police officers, and other commissioned peace officers to promptly arrest all persons described in section 1 of this act as vagrants who may be found in their community and to take them before some justice of the peace, city court or police court in cities of the first, second and third class, which courts are hereby authorized to summarily try such persons upon such charge, and if found guilty to pass sentence upon them as is provided in section 1 of this act.

CHAPTER 227.—*Employment of children—General provisions*

SECTION 1. *Age.*—[Forbids all employment under 14 in any factory, workshop, theater, mill, cannery, packing house, or as elevator operator; or in any business whatever during school hours.]

SEC. 2. *Mines, etc.*—[Forbids employment under 16 in any mine, quarry, or occupation or place dangerous or injurious to life, limb, health or morals.]

SEC. 3. *Work time.*—[Forbids employment under 16 in occupations named above or in messenger or delivery service, or in a hotel, restaurant, or mercantile establishment between 6 p. m. and 7 a. m., or more than 8 hours per day or 48 hours per week.]

SEC. 4. *Permits.*—[Permits required to 16.]

SEC. 5. *Hours of children to be posted.*—[Schedule of work hours of children under 16 to be posted.]

SECS. 6–10. *Issue of permits.*—[Relate to the issue of permits; require evidence of age, statement of occupation by prospective employer, and school record showing completion of elementary course.]

SEC. 11. *Enforcement.*—[Enforcement is by inspectors of factories, mines, etc.]

SEC. 12. *Penalty.*—[Violation is a misdemeanor; fine $25 to $100, or imprisoument 30 to 90 days.]

CHAPTER 229.—*Payment of wages in scrip*

SECTION 1. *Orders, etc., to be redeemable.*—Any due bill, script [scrip], order or orders for merchandise issued by any person, firm or corporation to any person in exchange for all or any part of a time check, due bill, script [scrip], order or orders for merchandise issued by any person, firm, or corporation to anyone in their or its employ in payment of wages for labor shall, at the option of the holder, be payable on demand in lawful money of the United States unless the due date shall be plainly and specifically stated thereon, which said due date shall not be more than fifteen days after date.

SEC. 2. *Violations.*—[Fines of from $500 to $1,000 are penalties for violations.]

CHAPTER 237.—*Mine regulations—Examination, etc., of employees*

SECTIONS 1–10. *Board.*—[A board is provided for, to consist of two miners, two operators, and a fifth person selected by these four to constitute an examining board to certify to the qualifications of shot firers, shot inspectors, gas men or fire bosses, hoisting engineers, miue foremen and assistant mine foremen, who may be employed only after such certification.]

CHAPTER 239.—*Mine-rescue stations*

SECTIONS 1–9. *Stations to be established.*—[This act authorizes establishment of a mine-rescue station and substations in the mining district. Superinteudence and the instruction of miners in rescue work are provided for.]

CHAPTER 240.—*Mine regulations—Shot firers*

SECTIONS 1–7. *Employment required.*—[This act requires shot firers to be employed in all coal mines except those worked by the long-wall system of mining. Preparation and the time of firing are also regulated.]

CHAPTER 242.—*Hours of labor in lead and zinc mines*

SECTION 1. *Day's labor.*—Eight hours per calendar day shall constitute a day's labor for all persons employed in lead and zinc mines in the State of Kansas, except in cases of emergencies when it may be necessary to work more than eight hours for the protection of human life or for the prevention of irreparable damage to property, in which case all pesons working more than eight hours shall be paid on the basis of eight hours constituting a day's work.

SEC. 2. *Violations.*—Any owner, manager, foreman, or other person who shall require, permit, coerce or attempt to coerce, any persou to work more than eight hours any calendar day, in any lead or zinc mine, except as permitted in section one of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten nor more than five hundred dollars: *Provided*, Violations of this act as to each person working more than eight hours and as to each day the same is required or permitted, shall be separate offenses.

ACTS OF 1920—SPECIAL SESSION

CHAPTER 24.—*Labor organizations—Incorporation*

SECTION 1. *Who may incorporate.*—Five or more persons may form a corporation for the purpose of promoting the interest and welfare of labor and industry, which corporation shall not engage iu business for profit; and no such

corporation shall be required to pay any corporation taxes or any fees except filing and recording fees; the affairs of such corporation shall be managed by a board of directors composed of not less than five members.

SEC. 2. *General status.*—Such corporations shall in all other respects be organized in the same manner as other corporations, not formed for profit as now provided by law and when organized shall have all the powers now given by law to such corporations.

CHAPTER 29.—*Court of industrial relations*

SECTION 1. *Court created.*—There is hereby created a tribunal to be known as the court of industrial relations, which shall be composed of three judges who shall be appointed by the governor, by and with the advice and consent of the senate. Of such three judges first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, said terms to begin simultaneously upon qualification of the persons appointed therefor. Upon the expiration of the term of the three judges first appointed as aforesaid, each succeeding judge shall be appointed and shall hold his office for a term of three years and until his successor shall have been qualified. In case of a vacancy in the office of judge of said court of industrial relations the governor shall appoint his successor to fill the vacancy for the unexpired term. The salary of each of said judges shall be five thousand dollars per year, payable monthly. Of the judges first to be appointed, the one appointed for the three-year term shall be the presiding judge, and thereafter the judge whose term of service has been the longest shall be the presiding judge: *Provided*, That in case two or more of said judges shall have served the same length of time, the presiding judge shall be designated by the governor.

SEC. 2 (as amended 1921, ch. 261). *Power of court.*—The court of industrial relations shall have such power, authority, and jurisdiction and shall perform such duties as are in this act set forth.

SEC. 3. *Employments, etc., affected.*—(a) The operation of the following named and indicated employments, industries, public utilities, and common carriers is hereby determined and declared to be affected with a public interest and therefore subject to supervision by the State as herein provided for the purpose of preserving the public peace, protecting the public health, preventing industrial strife, disorder, and waste, and securing regular and orderly conduct of the businesses directly affecting the living conditions of the people of this State and in the promotion of the general welfare, to wit: (1) The manufacture or preparation of food products whereby, in any stage of the process, substances are being converted, either partially or wholly, from their natural state to a condition to be used as food for human beings; (2) the manufacture of clothing and all manner of wearing apparel in common use by the people of this State whereby, in any stage of the process, natural products are being converted, either partially or wholly, from their natural state to a condition to be used as such clothing and wearing apparel; (3) the mining or production of any substance or material in common use as fuel either for domestic, manufacturing, or transportation purposes; (4) the transportation of all food products and articles or substances entering into wearing apparel, or fuel, as aforesaid, from the place where produced to the place of manufacture or consumption; (5) all public utilities as defined by section 8329, and all common carriers as defined by section 8330 of the General Statutes of Kansas of 1915.

(b) Any person, firm, or corporation engaged in any such industry or employment, or in the operation of such public utility or common carrier, within the State of Kansas, either in the capacity of owner, officer, or worker, shall be subject to the provisions of this act, except as limited by the provisions of this act.

SEC. 4. *Office.*—Said court of industrial relations shall have its office at the capitol of said State in the city of Topeka, and shall keep a record of all its proceedings which shall be a public record and subject to inspection the same as other public records of this State. Said court, in addition to the powers and jurisdiction heretofore conferred upon, and exercised by, the public utilities commission, is hereby given full power, authority, and jurisdiction to supervise, direct, and control the operation of the industries, employments, public utilities, and common carriers in all matters herein specified and in the manner provided herein, and to do all things needful for the proper and expeditious enforcement of all the provisions of this act.

SEC. 5. *Rules and regulations.*—Said court of industrial relations is hereby granted full power to adopt all reasonable and proper rules and regulations to govern its proceedings, the service of process, to administer oaths, and to regulate the mode and manner of all its investigations, inspections, and hearings: *Provided, however*, That in the taking of testimony the rules of evidence, as recognized by the Supreme Court of the State of Kansas in original proceedings therein, shall be observed by said court of industrial relations; and testimony so taken shall in all cases be transcribed by the reporter for said court of industrial relations in duplicate, one copy of said testimony to be filed among the permanent records of said court, and the other to be submitted to said supreme court in case the matter shall be taken to said supreme court under the provisions of this act.

SEC. 6. *Continuous operation.*—It is hereby declared and determined to be necessary for the public peace, health, and general welfare of the people of this State that the industries, employments, public utilities, and common carriers herein specified shall be operated with reasonable continuity and efficiency in order that the people of this State may live in peace and security and be supplied with the necessaries of life. No person, firm, corporation, or association of persons shall in any manner or to any extent willfully hinder, delay, limit, or suspend such continuous and efficient operation for the purpose of evading the purpose and intent of the provisions of this act; nor shall any person, firm, corporation, or association of persons do any act or neglect or refuse to perform any duty herein enjoined with the intent to hinder, delay, limit, or suspend such continuous and efficient operation as aforesaid, except under the terms and conditions provided by this act.

SEC. 7. *Disputes.*—In case of a controversy arising between employers and workers, or between groups or crafts of workers, engaged in any of said industries, employments, public utilities, or common carriers, if it shall appear to said court of industrial relations that said controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities, or common carriers, or affect the production or transportation of the necessaries of life affected or produced by said industries or employments, or produce industrial strife, disorder, or waste, or endanger the orderly operation of such industries, employments, public utilities, or common carriers, and thereby endanger the public peace or threaten the public health, full power, authority, and jurisdiction are hereby granted to said court of industrial relations, upon its own initiative, to summon all necessary parties before it and to investigate said controversy, and to make such temporary findings and orders as may be necessary to preserve the public peace and welfare and to preserve and protect the status of the parties, property, and public interests involved pending said investigations, and to take evidence and to examine all necessary records, and to investigate conditions surrounding the workers, and to consider the wages paid to labor and the return accruing to capital, and the rights and welfare of the public, and all other matters affecting the conduct of said industries, employments, public utilities, or common carriers, and to settle and adjust all such controversies by such findings and orders as provided in this act. It is further made the duty of said court of industrial relations, upon complaint of either party to such controversy, or upon complaint of any ten citizen taxpayers of the community in which such industries, employments, public utilities, or common carriers are located, or upon the complaint of the attorney general of the State of Kansas, if it shall be made to appear to said court that the parties are unable to agree and that such controversy may endanger the continuity or efficiency of service of any of said industries, employments, public utilities, or common carriers, or affect the production or transportation of the necessaries of life affected or produced by said industries or employments, or produce industrial strife, disorder, or waste, or endanger the orderly operation of such industries, employments, public utilities, or common carriers, and thereby endanger the public peace or threaten the public health, to proceed and investigate and determine said controversy in the same manner as though upon its own initiative. After the conclusion of any such hearing and investigation, and as expeditiously as possible, said court of industrial relations shall make and serve upon all interested parties its findings, stating specifically the terms and conditions upon which said industry, employment, utility, or common carrier should be thereafter conducted in so far as the matters determined by said court are concerned.

SEC. 8. *Orders.*—The court of industrial relations shall order such changes, if any, as are necessary to be made in and about the conduct of said industry,

employment, utility or common carrier, in the matters of working and living conditions, hours of labor, rules and practices, and a reasonable minimum wage, or standard of wages, to conform to the findings of the court in such matters, as provided in this act, and such orders shall be served at the same time and in the same manner as provided for the service of the court's findings in this act: *Provided*, all such terms, conditions and wages shall be just and reasonable and such as to enable such industries, employments, utilities or common carriers to continue with reasonable efficiency to produce or transport their products or continue their operations and thus to promote the general welfare. Service of such order shall be made in the same manner as service of notice of any hearing before said court as provided by this act. Such terms, conditions, rules, practices, wages, or standard of wages, so fixed and determined by said court and stated in said order, shall continue for such reasonable time as may be fixed by said court, or until changed by agreement of the parties with the approval of the court. If either party to such controversy shall in good faith comply with any order of said court of industrial relations for a period of sixty days or more, and shall find said order unjust, unreasonable or impracticable, said party may apply to said court of industrial relations for a modification thereof and said court of industrial relations shall hear and determine said application and make findings and orders in like manner and with like effect as originally. In such case the evidence taken and submitted in the original hearing may be considered.

SEC. 9. *Industrial conditions.*—It is hereby declared necessary for the promotion of the general welfare that workers engaged in any of said industries, employments, utilities or common carriers shall receive at all times a fair wage and healthful and moral surroundings while engaged in such labor; and that capital invested therein shall receive at all times a fair rate of return to the owners thereof. The right of every person to make his own choice of employment and to make and carry out fair, just, and reasonable contracts and agreements of employment, is hereby recognized. If, during the continuance of any such employment, the terms or conditions of any such contract or agreement hereafter entered into, are by said court, in any action or proceeding properly before it under the provisions of this act, found to be unfair, unjust or unreasonable, said court of industrial relations may by proper order so modify the terms and conditions thereof so that they will be and remain fair, just and reasonable and all such orders shall be enforced as in this act provided.

SEC. 10. *Notice of hearings.*—Before any hearing, trial or investigation shall be held by said court, such notice as the court shall deem necessary shall be given to all parties interested by registered U. S. mail addressed to said parties to the post office of the usual place of residence or business of said interested parties when same is known, or by the publication of notice in some newspaper of general circulation in the county in which said industry or employment, or the principal office of such utility or common carrier is located, and said notice shall fix the time and place of said investigation or hearing. The costs of publication shall be paid by said court out of any funds available therefor. Such notice shall contain the substance of the matter to be investigated, and shall notify all persons interested in said matter to be present at the time and place named to give such testimony or to take such action as they may deem proper.

SEC. 11. *Employees.*—Said court of industrial relations may employ a competent clerk, marshal, shorthand reporter, and such expert accountants, engineers, stenographers, attorneys and other employees as may be necessary to conduct the business of said court; shall provide itself with a proper seal and shall have the power and authority to issue summons and subpœnas and compel the attendance of witnesses and parties and to compel the production of the books, correspondence, files, records, and accounts of any industry, employment, utility, or common carrier, or of any person, corporation, association or union of employees affected, and to make any and all investigations necessary to ascertain the truth in regard to said controversy. In case any person shall fail or refuse to obey any summons or subpœna issued by said court after due service then and in that event said court is hereby authorized and empowered to take proper proceedings in any court of competent jurisdiction to compel obedience to such summons or subpœna. Employees of said court whose salaries are not fixed by law shall be paid such compensation as may be fixed by said court, with the approval of the governor.

SEC. 12. *Enforcement of orders.*—In case of the failure or refusal of either party to said controversy to obey and be governed by the order of said court

of industrial relations, then and in that event said court is hereby authorized to bring proper proceedings in the Supreme Court of the State of Kansas to compel compliance with said order; and in case either party to said controversy should feel aggrieved at any order made and entered by said court of industrial relations, such party is hereby authorized and empowered within ten days after service of such order upon it to bring proper proceedings in the Supreme Court of the State of Kansas to compel said court of industrial relations to make and enter a just, reasonable and lawful order in the premises. In case of such proceedings in the supreme court by either party, the evidence produced before said court of industrial relations may be considered by said supreme court, but said supreme court, if it deem further evidence necessary to enable it to render a just and proper judgment, may admit such additional evidence in open court or order it taken and transcribed by a master or commissioner. In case any controversy shall be taken by either party to the Supreme Court of the State of Kansas under the provisions of this act, said proceedings shall take precedence over other civil cases before said court, and a hearing and determination of the same shall be by said court expedited as fully as may be possible consistent with a careful and thorough trial and consideration of said matter.

SEC. 13. *Action to suspend.*—No action or proceeding in law or equity shall be brought by any person, firm or corporation to vacate, set aside, or suspend any order made and served as provided in this act, unless such action or proceeding shall be commenced within thirty days from the time of the service of such order.

SEC. 14. *Unions, etc.*—Any union or association of workers engaged in the operation of such industries, employments, public utilities, or common carriers which shall incorporate under the laws of this State shall be by said court of industrial relations considered and recognized in all its proceedings as a legal entity and may appear before said court of industrial relations through and by its proper officers, attorneys, or other representatives. The right of such corporations, and of such unincorporated unions or associations of workers, to bargain collectively for their members is hereby recognized: *Provided*, That the individual members of such unincorporated unions or associations who shall desire to avail themselves of such right of collective bargaining shall appoint in writing some officer or officers of such union or association, or some other person or persons as their agents or trustees with authority to enter into such collective bargains and to represent each and every of said individuals in all matters relating thereto. Such written appointment of agents or trustees shall be made a permanent record of such union or association. All such collective bargains, contracts, or agreements shall be subject to the provisions of section nine of this act.

SEC. 15. *Protection of witnesses.*—It shall be unlawful for any person, firm or corporation to discharge any employee or to discriminate in any way against any employee because of the fact that any such employee may testify as a witness before the court of industrial relations, or shall sign any complaint or shall be in any way instrumental in bringing to the attention of the court of industrial relations any matter of controversy between employers and employees as provided herein. It shall also be unlawful for any two or more persons, by conspiring or confederating together, to injure in any manner any other person or persons, or any corporation, in his, their, or its business, labor, enterprise, or peace and security, by boycott, by discrimination, by picketing, by advertising, by propaganda, or other means, because of any action taken by any such person or persons, or any corporation, under any order of said court, or because of any action or proceeding instituted in said court, or because any such person or persons, or corporation, shall have invoked the jurisdiction of said court in any matter provided for herein.

SEC. 16. *Restricting output.*—It shall be unlawful for any person, firm, or corporation engaged in the operation of any such industry, employment, utility, or common carrier willfully to limit or cease operations for the purpose of limiting production or transportation or to affect prices for the purpose of avoiding any of the provisions of this act; but any person, firm, or corporation so engaged may apply to said court of industrial relations for authority to limit or cease operations, stating the reasons therefor, and said court of industrial relations shall hear said application promptly; and if said application shall be found to be in good faith and meritorious, authority to limit or cease operations shall be granted by order of said court. In all such

industries, employments, utilities, or common carriers in which operation may be ordinarily affected by changes in season, market conditions, or other reasons or causes inherent in the nature of the business, said court of industrial relations may, upon application and after notice to all interested parties, and investigation, as herein provided, make orders fixing rules, regulations, and practices to govern the operation of such industries, employments, utilities, or common carriers for the purpose of securing the best service to the public consistent with the rights of employers and employees engaged in the operation of such industries, employments, utilities, or common carriers.

SEC. 17. *Violations.*—It shall be unlawful for any person, firm, or corporation, or for any association of persons, to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to conspire or confederate with others to do or perform any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act, or to induce or intimidate any person, firm, or corporation engaged in any of said industries, employments, utilities, or common carriers to do any act forbidden, or to fail or refuse to perform any act or duty enjoined by the provisions of this act for the purpose or with the intent to hinder, delay, limit, or suspend the operation of any of the industries, employments, utilities, or common carriers herein specified or indicated, or to delay, limit, or suspend the production or transportation of the products of such industries, or employments, or the service of such utilities or common carriers: *Provided*, That nothing in this act shall be construed as restricting the right of any individual employee engaged in the operation of any such industry, employment, public utility, or common carrier to quit his employment at any time, but it shall be unlawful for any such individual employee or other person to conspire with other persons to quit their employment or to induce other persons to quit their employment for the purpose of hindering, delaying, interfering with, or suspending the operation of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act, or for any person to engage in what is known as "picketing" or to intimidate by threats, abuse, or in any other manner any person or persons with intent to induce such person or persons to quit such employment, or for the purpose of deterring or preventing any other person or persons from accepting employment or from remaining in the employ of any of the industries, employments, public utilities, or common carriers governed by the provisions of this act.

SEC. 18. *Violations.*—[Violations incur penalty of a fine not to exceed $1,000 or imprisonment not exceeding 1 year, or both.]

SEC. 19. *Offenses of officers, etc.*—Any officer of any corporation engaged in any of the industries, employments, utilities, or common carriers herein named and specified, or any officer of any labor union or association of persons engaged as workers in any such industry, employment, utility, or common carrier, or any employer of labor coming within the provisions of this act, who shall willfully use the power, authority, or influence incident to his official position, or to his position as an employer of others, and by such means shall intentionally influence, impel, or compel any other person to violate any of the provisions of this act, or any valid order of said court of industrial relations, shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction shall be punished by a fine not to exceed $5,000 or by imprisonment in the State penitentiary at hard labor for a term not to exceed two years, or by both such fine and imprisonment.

SEC. 20. *Court may assume control.*—In case of the suspension, limitation, or cessation of the operation of any of the industries, employments, public utilities, or common carriers affected by this act, contrary to the provisions hereof, or to the orders of said court made hereunder, if it shall appear to said court that such suspension, limitation, or cessation shall seriously affect the public welfare by endangering the public peace, or threatening the public health, then said court is hereby authorized, empowered, and directed to take proper proceedings in any court of competent jurisdiction of this State to take over, control, direct, and operate said industry, employment, public utility, or common carrier during such emergency: *Provided*, That a fair return and compensation shall be paid to the owners of such industry, employment, public utility, or common carrier, and also a fair wage to the workers engaged therein, during the time of such operation under the provisions of this section.

SEC. 21. *Submissions.*—When any controversy shall arise between employer and employee as to wages, hours of employment, or working or living conditions, in any industry not hereinbefore specified, the parties to such controversy may, by mutual agreement, and with the consent of the court, refer the same to the court of industrial relations for its findings and orders. Such agreement of reference shall be in writing, signed by the parties thereto; whereupon said court shall proceed to investigate, hear, and determine said controversy as in other cases, and in such case the findings and orders of the court of industrial relations as to said controversy shall have the same force and effect as though made in any essential industry as herein provided.

SEC. 22. *Taking evidence.*—Whenever deemed necessary by the court of industrial relations, the court may appoint such person, or persons, having a technical knowledge of bookkeeping, engineering, or other technical subjects involved in any inquiry in which the court is engaged, as a commissioner for the purpose of taking evidence with relation to such subject. Such commissioner when appointed shall take an oath to well and faithfully perform the duties imposed upon him, and shall thereafter have the same power to administer oaths, compel the production of evidence, and the attendance of witnesses as the said court would have if sitting in the same matter. Said commissioner shall receive such compensation as may be provided by law or by the order of said court, to be approved by the governor.

SEC. 23. *Presumption as to wages.*—Any order made by said court of industrial relations as to a minimum wage or a standard of wages shall be deemed prima facie reasonable and just, and if said minimum wage or standard of wages shall be in excess of the wages theretofore paid in the industry, employment, utility or common carrier, then and in that event the workers affected thereby shall be entitled to receive said minimum wage or standard of wages from the date of the service of summons or publication of notice instituting said investigation, and shall have the right individually, or in case of incorporated unions or associations, or unincorporated unions or associations entitled thereto, collectively, to recover in any court of competent jurisdiction the difference between the wages actually paid and said minimum wage or standard of wages so found and determined by said court in such order. It shall be the duty of all employers affected by the provisions of this act, during the pendency of any investigation brought under this act, or any litigation resulting therefrom, to keep an accurate account of all wages paid to all workers interested in said investigation or proceeding: *Provided*, That in case said order shall fix a wage or standard of wages which is lower than the wages theretofore paid in the industry, employment, utility or common carrier affected, then and in that event the employers shall have the same right to recover in the same manner as provided in this section with reference to the workers.

SEC. 24. *Investigations.*—With the consent of the governor, the judges of said court of industrial relations are hereby authorized and empowered to make, or cause to be made, within this State or elsewhere, such investigations and inquiries as to industrial conditions and relations as may be profitable or necessary for the purpose of familarizing themselves with industrial problems such as may arise under the provisions of this act. All the expenses incurred in the performance of their official duties by the individual members of said court and by the employees and officers of said court, shall be paid by the State out of funds appropriated therefor by the legislature, but all warrants covering such expenses shall be approved by the governor of said State.

SEC. 25. *Remedies cumulative.*—The rights and remedies given and provided by this act shall be construed to be cumulative of all other laws in force in said State relating to the same matters, and this act shall not be interpreted as a repeal of any other act now existing in said State with reference to the same matters referred to in this act, except where the same may be inconsistent with the provisions of this act.

SEC. 26. *Construction.*—The provisions of this act and all grants of power, authority and jurisdiction herein made to said court of industrial relations shall be liberally construed and all incidental powers necessary to carry into effect the provisions of this act are hereby expressly granted to and conferred upon said court of industrial relations.

SEC. 27. *Reports.*—Annually and on or before January first of each year, said court of industrial relations shall formulate and make a report of all

its acts and proceedings, including a financial statement of expenses, and shall submit the same to the governor of this State for his information. All expenses incident to the conduct of the business of said court of industrial relations shall be paid by the said court on warrants signed by its presiding judge and clerk, and countersigned by the governor and shall be paid out of funds appropriated therefor by the legislature. The said court of industrial relations shall, on or before the convening of the legislature, make a detailed estimate of the probable expenses of conducting its business and proceedings for the ensuing two years, and attach thereto a copy of the reports furnished the governor, all of which shall be submitted to the governor of this State and by him submitted to the legislature.

SEC. 28. *Provisions severable.*—If any section or provision of this act shall be found invalid by any court, it shall be conclusively presumed that this act would have been passed by the legislature without such invalid section or provision, and the act as a whole shall not be declared invalid by reason of the fact that one or more sections or provisions may be found to be invalid by any court.

Mere legislative declaration that a business is affected with a public interest is not conclusive. Though the conduct of business generally affects the public, it is not therefore brought so closely under State regulation as to authorize the fixing of prices or of wages. A small packing house whose output is without any considerable influence on the welfare of the State, can not be thus supervised, and in so far as the industrial court act permits the fixing of wages therein, it is unconstitutional as depriving the owners of property and liberty of contract without due process of law. Chas. Wolff Packing Co. *v.* Court of Industrial Relations (1923), 262 U. S. 522, 43 Sup. Ct. 630.

CHAPTER 62.—*Free public employment offices*

SECTION 1. *Bureau created.*—In order to promote the establishment and maintenance of free employment offices for men, women and juniors who are legally qualified, seeking employment, and for employers desiring workers, there shall be created in the department of labor and industry a free employment bureau. It shall be in charge of the labor commissioner, who shall appoint, with the approval of the governor, an assistant who shall receive a salary of $2,000 per annum, who shall have supervision of the free employment bureau under the direction of the labor commissioner. There shall also be appointed in said bureau such assistants and other employees as are necessary to carry out the purpose of the act. Other than as above provided, no salary shall be in excess of $1,800 per annum.

SEC. 2. *Duties.*—It shall be the province and duty of the said bureau, under the direction of the labor commissioner, with the approval of the governor, to establish and maintain a system of free employment offices not exceeding four outside Topeka, provided that from June 1 to August 15 additional offices may be maintained as may be necessary to properly distribute labor necessary for the wheat harvest in the State; maintain a system for clearing labor between the several counties, and adopt such rules and regulations as may be necessary to maintain and conduct such bureau.

SEC. 3. *Farm labor.*—It shall be the further duty of the said director of the State free employment service to secure and list, as far as practicable, from the farm agents of the various counties of the State, or county clerks or such other authority to be designated by the county commissioners, the number of extra laborers required from time to time in each community for the purpose of equally distributing labor to meet such demand and to direct idle labor to employment.

SEC. 4. *Expenses.*—Out of the appropriations made under this act, the labor commissioner, with the approval of the governor, is authorized to employ such assistants, clerks and other persons; to rent suitable offices; to purchase supplies, material, equipment, office fixtures, and apparatus, and to incur such travel and other expense as may be necessary to carry out the provisions of this act.

SEC. 5. *Appropriation.*—For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any money in the State treasury not otherwise appropriated, the sum of $10,000 for the fiscal year ending June 30, 1920; $25,000 for the fiscal year ending June 30, 1921.

SEC. 6. *Act cumulative.*—This act shall be construed as cumulative of all other acts now in force.

ACTS OF 1921

CHAPTER 261.—*Court of industrial relations—Determinations*

SECTION 2. *Cooperation.*—In any matter pending before the court of industrial relations, if it shall be brought to the attention of such court that there is a matter pending before the public utilities commission in relation to the rate charged by the employer, the court of industrial relations may order such matters to be heard and determined at the same time by such commission and court of industrial relations, sitting as one body, the presiding judge of said court of industrial relations presiding, and in case of a tie vote, the presiding judge of said court of industrial relations shall cast an additional vote.

CHAPTER 262.—*Court of industrial relations—Administration of labor laws*

SECTION 1. *Jurisdiction transferred.*—The jurisdiction conferred by law upon the commissioner of labor and industry of the State of Kansas is hereby conferred upon the court of industrial relations, and said office of commissioner of labor and industry is hereby abolished.

SEC. 2. *Duties devolve on court.*—All the laws relating to the powers, authority, jurisdiction, and duties of the commissioner of labor and industry of this State are hereby adopted, and all the duties now imposed by existing laws upon the commissioner of labor and industry and State factory inspector, State mine inspector, and director of the free employment bureau shall from and after the taking effect of this act devolve upon the court of industrial relations.

SEC. 3. *Employees.*—The court of industrial relations may employ such deputy factory inspectors, deputy mine inspectors, and clerical force of said department of labor and industry as [are] necessary in carrying out the provisions of this act.

CHAPTER 263.—*Court of industrial relations—Employment of women*

SECTION 1. *Commission abolished.*—The jurisdiction conferred by law upon the industrial welfare commission of the State of Kansas is hereby conferred upon the court of industrial relations, and said industrial welfare commission and all boards organized thereunder are hereby abolished: *Provided*, That all orders and rules heretofore made by the industrial welfare commission and now in force shall continue in force until the same may be changed or repealed by the court of industrial relations.

SEC. 2. *Jurisdiction transferred.*—All laws relating to the powers, authority, jurisdiction, and duties of the industrial welfare commission of this State are hereby adopted except as amended and repealed in this act; and all the duties imposed upon the industrial welfare commission or any board thereof shall from and after the taking effect of this act devolve upon the court of industrial relations.

SEC. 6. *Employees.*—The court of industrial relations may employ such inspectors and clerical force as may be necessary in carrying on the provisions of this act.

SEC. 7. *Review.*—The orders of the industrial court under the provisions of this act may be reviewed in the same manner as is now provided for the review of its decisions by chapter 29 of the Session Laws of 1920.

KENTUCKY

CONSTITUTION

Labor organizations—Provisions of constitution

SECTION 59. *Certain laws forbidden.*—The general assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

* * * * * * *

24. To regulate labor, trade, mining or manufacturing.

* * * * * * *

Department of agriculture, labor and statistics—Commissioner

SECTION 91. *Commissioner of agriculture, etc.*—A * * * commissioner of agriculture, labor and statistics, * * * shall be elected by the qualified voters of the State at the same time the governor is elected, for the term of four years, * * * [who] shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of * * * [this officer] shall be such as may be prescribed by law, * * *

Protection of employees as voters—Time to vote

SECTION 148. *Four hours to be allowed.*— * * * The general assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

Employment of children

SECTION 243. *Employment of children to be regulated.*—The general assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

Payment of wages

SECTION 244. *Wages to be paid in lawful money.*—All wage earners in this State employed in factories, mines, workshops or by corporations shall be paid for their labor in lawful money. The general assembly shall prescribe adequate penalties for violations of this section.

[See section 1350, below.]

Redemption of wage checks on pay days at a discount is a violation of this section. 118 S. W. 350.

STATUTES—1915

Bureau of agriculture, labor, and statistics

SECTION 31. *Bureau established.*—A bureau of agriculture, labor, and statistics is established, and shall be under the management of an officer, who shall be known as the commissioner of agriculture, labor, and statistics. In one thousand eight hundred and ninety-two there shall be appointed by the governor, by and with the advice and consent of the senate, a commissioner, who shall hold his office until the first Monday in January, one thousand eight hundred and ninety-six, and until his successor has qualified, unless sooner removed by the governor, who shall also have power to fill a vacancy in the office occurring from any cause. At the general election held in November, one thousand eight hundred and ninety-five, and every four years thereafter, there shall be elected a commissioner, who shall enter upon the discharge of his duties on the first Monday in January after his election, and hold his office for four years, and until his successor is elected and qualified.

SEC. 32. *Duties of commissioner.*—The commissioner shall keep his office at the seat of government, and devote his entire time and attention to the duties of his office. Before entering upon his duties he shall take the oath of office and execute bond to the Commonwealth, with good sureties, worth at the time, jointly or severally, twenty-five thousand dollars, to be approved by the governor, for the faithful discharge of the duties of his office; and shall receive an annual salary of twenty-five hundred dollars, payable at the same time the salary of the governor is paid.

SEC. 33. *Purpose of bureau.*—The efforts of the bureau shall be directed to the promotion of agriculture, horticulture, manufactures, and to matters relating to labor and statistics; and the commissioner shall promote and encourage, as far as practicable, the organization of agricultural and horticultural societies and other associations in the several counties, and ascertain the agricultural, horticultural, mechanical, commercial, and educational condition of every county, giving, in detail, the quantity and quality of land under cultivation; the kinds, amounts, and value of the annual field crops; the annual production of orchards, gardens, dairies, and mines; the quantity and value of domestic manufactures; the kinds, value, and increase of live stock; the annual products of mechanical industry and skill; the character of labor employed in mines, factories, and the cultivation of the soil, and the prices paid therefor; the value of exports and imports; the number of miles of railroads, turnpikes, navigable streams, and post offices, and names of same, in each county; how and by whom turnpikes and other public roads are operated and kept in repair; the name, location, and population of cities, towns, and villages; the number and value of schoolhouses and churches; the names, capital, and purposes of charitable institutions, together with such other vital, social, physical, and political statistics as he may deem proper and expedient.

SEC. 34. *Information to be furnished.*—The auditor of public accounts, assessors of the several counties, and all other officers of the State and counties, shall furnish the commissioner with such information within their power as he may require in regard to the matters connected with the bureau; and as a further means of procuring information, the commissioner shall put himself in communication with the different agricultural, horticultural, and labor societies, manufacturing and mining companies, and such other organizations or persons in or out of the State, as he may deem proper.

SEC. 36 (as amended 1916, ch. 95). *Reports.*—He shall before the assembling of each regular session of the general assembly compile a report giving a general review of the agricultural, horticultural, mineral, and industrial resources of the State with brief notices of each county, the character of labor generally employed in mines, factories, and the cultivation of the soil and the price paid therefor, and such other information as he is required to gather; he shall have a sufficient number, not exceeding five thousand, printed for the use of the general assembly and for general distribution. * * *

SEC. 41. *Clerk.*—The commissioner is allowed a clerk or clerks, to be selected by himself, the salary of whom shall not exceed, in the aggregate, twelve hundred dollars per annum.

SEC. 42. *Appropriation.*—The sum of thirteen thousand dollars is hereby annually appropriated, out of any funds in the hands of the treasurer not otherwise appropriated, for the support and maintenance of this bureau. Said amount shall cover all expenses of every kind growing out of this act, including commissioner's salary and clerk's pay, and all expenses connected with and growing out of this department of the State government.

Employment of children

SECTION 326. *Mendicant, etc., occupations.*—[This section embodies provisions similar to those found in sec. 2223 of the Delaware Code, as to the employment of children under 16 in begging, peddling, etc.]

SEC. 331A. 1 (as amended 1916, ch. 23). *Age limit.*—No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, mill, workshop, mercantile establishment, store, office, printing establishment, bakery, laundry, restaurant, hotel, apartment house, theater, motion-picture establishment, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age in any business or service whatever during any part of the term during which the

public schools of the district in which the child resides are in session. Nor shall any child under fourteen year of age be permitted to perform in or appear upon the stage of any theater, motion-picture establishment or other place of public amusement, whether for pay or not.

[Amendment provides for employment in theaters of child under 16 from outside the State in custody of adult who constantly accompanies such child.]

2. *Certificates.*—[Requires certificates for children between 14 and 16 employed in the establishments, etc., named above; lists are to be kept. Labor inspector may demand certificate of child apparently under 16; failure to produce same or to produce evidence of age is prima facie evidence of a violation of the act.]

3, 4 (as amended 1920, ch. 152), 5, 6. *Issue.*—[Issue of certificates by school authorities, on evidence of age, physician's certificate, and five years' schooling.]

7. *Work time.*—[Forbids employment of children under 16 in any establishment, etc., named in (1) for more than 6 days or 48 hours per week, or more than 8 hours per day, or between 6 p. m. and 7 a. m.]

8. *Enforcement.*—[Truant officers may visit such establishments, etc., for purposes of enforcement, and may inspect lists.]

9. *Dangerous, etc., employments.*—[Children under 16 may not be employed in enumerated occupations (closely similar to list in secs. 3145, 3148 of the Delaware Code), or "in other occupations dangerous to the life or limb or injurious to the health or morals of such child, and as to these matters, the decision of the county physician or city health officer, as the case may be, shall be final."]

10. *Belt shifters, guards.*—It shall be the duty of the owner of any manufacturing establishment where any person under twenty-one years of age is employed, his agents, superintendents or other persons in charge of same, to furnish and supply, when practicable, or cause to be furnished and supplied to him, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose belts. All vats, pans, saws, planes, cogs, gearings, belting, set screws and machinery of every description which is palpably dangerous, shall be properly guarded and no person shall remove or make ineffective any safeguard around or attached to any such appliances or machinery, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while it is in motion.

11. *Messengers.*—[Forbids messenger or delivery service by minors between 9 p. m. and 6 a. m.]

12. *Females not to stand.*—[Forbids employment of females under 21 in any work requiring them to remain standing constantly.]

13. *Walls, etc., to be painted.*—The walls and ceiling of each room in every manufacturing establishment where minors are employed shall be limewashed or painted when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the persons working therein.

14. *Posting.*—[Requires act to be posted in workrooms.]

15. *Street trades.*—[Street trades forbidden in cities of first, second, or third class for boys under 14 and girls under 18. Boys 14 to 16 may secure a badge authorizing them to engage in street trades between 6 a. m. and 8 p. m. only, if they can qualify for an employment certificate. If the educational qualifications are lacking, a badge will issue authorizing employment only outside of school hours. Enforcement is by truant officers, police officers, and juvenile court probation officers.]

16. *Violations.*—[Penalities of fine or imprisonment or both are entailed by violations by parents, employers, and persons hindering inspectors.]

Railroads—Overhead obstructions—Accidents

SECTION 776. *Bridges, etc., over tracks.*—[Except in cities having charter power to regulate their height, no bridge or passageway over railroad tracks shall be less than 22 feet above the track without written authority from the railroad commission. If any bridge, tunnel, or other obstruction is less than seven feet above the roof of freight cars used on the road, telltales shall be erected at such height and distances as the commission shall determine.]

SEC. 777. *Notice of accidents.*—Notice of every accident which may occur and be attended with loss of life shall be given within five days thereafter by the

company operating the road on which the accident occurred, to the railroad commission, and such company shall furnish the commission all information requested by it concerning the cause of the accident.

Railroads—Obstructing operations, injuring property, etc.

SECTION 802. *Hindering, etc., transportation by violence.*—It shall be unlawful for any person or persons to prevent, hinder, or delay, or attempt to prevent, hinder, or delay, by violence, the transportation of freight or passengers in this State, by any individual, firm, company, corporation, or association doing business in this State, or to interfere with, by violence, any person or agency engaged in the conduct of commerce and traffic in this State in such manner as to obstruct or impede the movement and conduct of such commerce or traffic; but nothing herein shall be construed to prevent any person, or class of persons, from quitting their employment at any time they see proper.

SEC. 803. *Coercion, etc.*—And it shall be unlawful for any person or persons to prevent or hinder, or attempt to prevent or hinder, by coercion, intimidation, or any trespass or violent interference therewith, the free and lawful use of his or its property, by any individual, firm, company, corporation, or association engaged in the business of transporting freight and passengers, and in the conduct of commerce and traffic in this State, or the free and lawful use of said property by any agent or employee of the owner thereof.

SEC. 804. *Violations.*—[Offenses are punishable by fines, $25 to $200, or imprisonment, 10 days to six months, or both.]

Enticing employees

SECTION 1349. *Persuasion to abandon contract.*—If any person shall willfully entice, persuade, or otherwise influence any person or persons, who have contracted to labor for a fixed period of time, to abandon such contract before such period of service shall have expired without the consent of the employer, he shall be fined not exceeding fifty dollars, and be liable to the party injured for such damages as he or they may have sustained.

Payment of wages

SECTION 1350. *Penalty.*—Any corporation or person or persons having the ownership or control of any factory, mine, or workshop in this Commonwealth, who shall violate the provisions of section 244 of the constitution, * * * shall be guilty of a misdemeanor, and, on trial and conviction, had in any court of competent jurisdiction, shall be fined not exceeding five hundred dollars for each violation thereof.

A mining company paid its employees monthly in lawful money, and between pay days issued checks to its employees on their application, payable in merchandise at the company's store. The balance at the end of the month was paid in cash, but no outstanding checks were redeemed. This was held not to be a violation of the statute. 28 S. W. 502.

Exemption of wages from execution

SECTION 1701A. *Wages earned outside of State.*—Wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases, where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with process.

Fire escapes on factories, etc.

SECTION 1830. *Fire escapes to be erected.*—All buildings of three or more stories in height, in every city of more than ten thousand inhabitants as enumerated by the last United States census, excepting private residences and store and warehouses in which not more than twenty persons are employed, shall be provided with one or more permanent metallic ladders or fire escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location, numbers and character of construction as the chief of fire department or chief fire officer of each such city may determine. The said chief of the fire department or chief fire officer shall examine the building and serve, either in person or by deputy, a notice, in writing, upon the owner, agent, lessee or occupant of such building, by leaving

at his or her residence or place of business a copy of such notice, setting forth the number, kind, construction and location of the ladder or ladders required, and directing that the work shall be completed not later than thirty days from the filing of the notice.

SEC. 1831. *By whom.*—If the owner of the building fails to take steps looking to the compliance of the specifications of the said notice, then the agent, lessee or occupant, who is jointly liable for the violation of the provisions of this act, must have the work performed at his own expense, and for which a lien on the building and grounds is hereby declared to exist after record in the office of the county clerk.

SEC. 1832. *Violations.*—[Violations entail penalty of fine, $50 to $250, for each 30 days' failure to comply.]

Hours of labor on public works

SECTION 2290B. *Eight-hour day.*—[Limits to 8 per day "the service and employment of all laborers and mechanics" employed by the State or by any contractor or subcontractor "upon any of the public works of the Commonwealth," except in case of extraordinary emergency. Intentional violation a misdemeanor, punishable by fine or imprisonment, or both.]

Contracts of employment

SECTION 2607. *Specific performance required.*—All persons who shall come to this State under a contract to serve another in any occupation, shall be compelled to perform the contract specifically during the time thereof, or so much of the same as shall not exceed seven years. Infants under fourteen years, under contract entered into by their guardian or father, shall serve to the age of twenty-one years, or such shorter time as the contract shall fix.

SEC. 2608. *Duty of master.*—A servant bound to service shall be provided by his master with a sufficiency of wholesome food, clothing, lodging, and medical attention; and, at the end of his service, the servant shall receive from the master a good full new suit of clothes, suited to the season of the year.

SEC. 2609. *Contracts assignable.*—The master of such servant may assign the benefit of his contract to any person whom the servant may, in the presence of a judge of a court, consent to serve, the judge attesting such consent, which must be in writing. The right of such service shall, on the death of the master, pass to his personal representative or devisee.

SEC. 2610. *What contracts void.*—All contracts entered into between master and servant during the period of service, shall be void, except such as are clearly beneficial to the servant.

Mine regulations

SECTION 2722. *Inspector.*—[This section relates to the appointment, powers and duties of the chief inspector and assistant inspector of mines of the State, and is in part superseded by chapter 25, Acts of 1918.

The inspector and his assistants may visit and inspect coal mines employing 6 or more persons inside the mine at one time, and may require changes necessary to health and safety. Failure to comply within 20 days entails liability to a fine of $50 for each day's violation; though if it seems warranted an extension not beyond 10 days longer may be allowed.]

SEC. 2723. *Definitions.*—[Customary usage.]

SECS. 2724 (as amended 1918, ch. 113) to 2738d. *Requirements.*—[Embody provisions relating to maps, ventilation, timbering, exits, the installation of electric wires, etc., blasting, explosives, safety lamps, oil, provisions for accidents, and the duties and qualifications of superintendents, foremen, fire bosses, shot firers, etc. Mine foremen and fire bosses must hold certificates granted after examination. The chief inspector may require the appointment of shot firers in mines employing ten or more men if explosive gas or coal dust exists in dangerous quantities. Penalties are provided for violation of act or of rules properly adopted.]

SEC. 2738–o. *Inspection.*—[Directs inspection of gaseous mines every 60 days as nearly as practicable.]

SEC. 2738–p. *Life-saving apparatus.*—[Provides for the purchase of a set of life-saving apparatus for the chief inspector and each assistant, a total of 6.]

SEC. 2738–q. *Checkweighman.*—[Requires operators to permit the employment by miners of a checkweighman where as many as 20 men are employed, if a majority of the miners engaged in digging or mining coal request it.]

Payment of wages of miners—Company stores

SECTION 2738–r1. *Semimonthly pay day.*—All persons, associations, companies and corporations employing the services of ten or more persons in any mining work or mining industry in this Commonwealth, shall, on or before the fifteenth and thirtieth days of each month, pay to within fifteen days of the aforesaid fifteenth and thirtieth days, respectively, each servant or employee, in lawful money of the United States, the full amount of wages due each such servant or employee rendering such service, unless prevented by an unavoidable casualty: *Provided, however*, That if at any time of payment any servant or employee shall be absent from his place of labor, he shall be entitled to such payment at any time thereafter on demand.

SEC. 2738–s1. *Coercion as to trade.*—It shall be unlawful for any person or persons, association, company, or corporation employing others, as described in section 1, either directly or indirectly, to coerce or require any such servant or employee to deal with or purchase any article of food, clothing, or merchandise of any kind whatever, from any person, association, corporation, or company, or at any place or store whatever. And it shall be unlawful for any such employers as described in the first section to exclude from work, or to punish or blacklist any of said employees for failure to deal with any other or to purchase any article of food, clothing, or merchandise whatever from any other or at any place or store whatever.

2. *Violations.*—[Fines of from $50 to $100 are fixed for each violation.]

This act is constitutional. 58 S. W. 441.

Employment offices

SECTION 3011. *License.*—[License fee of $25 required for each intelligence office, employment agency, or information bureau.]

Employment on public roads

SECTION 4329 (as amended 1918, ch. 23). *Rate of wages.*—[Manual or day labor on the public roads shall receive "prevailing wages of the vicinity," not less than $1 nor more than $3 per day.]

CHAPTER 77.—*Employment of women—Hours of labor, etc.*

SECTION 4866–b. *Sixty hours per week for minors.*—No female under twenty-one years of age shall be employed or suffered or permitted to work at any gainful occupation except domestic service and nursing, more than sixty hours in any one week, nor more than ten hours in any one day.

2. *Ten-hour day in certain occupations.*—No female of whatever age shall be employed or suffered or permitted to work in any laundry, bakery, factory, workshop, store or mercantile, manufacturing or mechanical establishment, or hotel, restaurant, telephone exchange or telegraph office more than sixty hours in any one week nor more than ten hours in any one day.

3. *Seats.*—Every person, firm, or corporation that employs females shall provide seats for their use in the room where they work and shall maintain and keep them there, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed. In stores and mercantile establishments at least one seat shall be provided for every three females employed. If the duties of the female employees, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk, or fixture, such seats shall be placed in front thereof. If such duties are to be principally performed behind such counter, table, desk, or fixture, such seats shall be placed behind the same. The provision of seats that fold when not in use shall not be deemed a compliance with this section.

4. *Wash rooms, etc.*—[Suitable toilets must be provided, separate for each sex. A dressing room shall be provided for the women when the nature of work requires any change in clothing.]

5. *Time books to be kept.*—Every person, firm, or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing, or mechanical establishment, or hotel, restaurant, telephone exchange, or telegraph office shall keep a time book in which shall be correctly recorded the name of each female employee and the number of hours she is employed each day, which book shall at all times be open to the inspection of the State labor inspector and his assistants. Any such employer or agent of such employer who knowingly makes any false record in this book and any such employer who fails to keep such book or fails to produce it upon request to the State labor inspector or his assistants for inspection shall be guilty of a violation of this act.

6. *Act to be posted.*—Every person, firm, or corporation employing females in laundry, bakery, factory, workshop, store, or mercantile, manufacturing, or mechanical establishment, or hotel, restaurant, telephone exchange, or telegraph office shall cause to be posted and at all times keep in a conspicuous place in each workroom wherein females are employed in the establishment of such employer:

(a) A plainly printed copy of this act, and

(b) A printed notice, in a form which shall be furnished by the State labor inspector, stating the number of hours per day for each day of the work required of the females employed and the time when such work shall begin and end.

7. *Violations.*—[Violations of above provisions are punishable by fine, $25 to $50 for a first offense; for each subsequent offense, imprisonment 10 to 90 days, or by fine, $50 to $200, or both.]

ACTS OF 1916

Chapter 13.—*Protection of employees as voters*

Section 2. *Coercion of voters, etc., a misdemeanor.*—It shall be unlawful for any corporation, person, company, or individual to coerce or direct any employee to vote for any party or person who may be a candidate for any office in this State, or for any person who may be a candidate for a nomination for any office, or to threaten to discharge such employee if he votes for any candidate; or if such employee is discharged on account of his exercise of suffrage, or to give out or circulate any statement or report that such employees are expected or have been requested or directed by such corporation, person, individual or company, or by any one acting for such, or any such, to vote for any person, group of persons, or measure, and any person, corporation, or company violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed and not less than $1,000 nor more than $5,000 or imprisonment in the county jail not to exceed six months or both.

Chapter 21.—*Payment of wages—Semimonthly pay day*

Section 1. *Scope of law.*—Every corporation for pecuniary profit engaged in any enterprise or business within the State of Kentucky shall, as often as semimonthly, pay to every employee engaged in its business all wages or salary earned by such employee to a day not more than eighteen (18) days prior to the date of such payment. And any employee who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon six days' demand, and any employee leaving his or her employment or is discharged therefrom shall be paid in full following his or her dismissal or voluntary leaving his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall, by special contract with its employees or by any other means, secure exemption from the provisions of this act. And each and every employee of a corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided in any court of competent jurisdiction in this State.

Sec. 2. *Violations.*—[Violations of section 1 are punishable by fine, $25 to $100, each failure to comply with same constituting a separate offense.]

ACTS OF 1918

CHAPTER 25.—*Mine regulations—Department of mines*

SECTION 1. *Office created.*—[A department of mines is established, in charge of a chief inspector appointed by the governor for a term of 4 years. He must have scientific and practical knowledge of duties, including rescue and relief work, in which he must supervise training, and disseminate information concerning mining methods and accident prevention.]

SEC. 2. *Salary.*—[Salary is $3,000 per annum, and expenses of travel, etc., and may have not over $1,200 for clerical assistance, in discretion of the governor.]

SEC. 3. *Assistants.*—[Authorizes appointment of 3 additional assistant inspectors, at salaries of $1,800 each, and expenses of travel, etc. They must be qualified by knowledge and experience of 5 years, at least 3 of which must have been in the mines.]

SEC. 4. *Districts; rescue appliances.*—[Chief inspector assigns districts, in each of which a rescue station with apparatus and appliances must be maintained.]

CHAPTER 52.—*Employers' liability—Railroad companies*

SECTION 1. *Liability declared.*—Every common carrier by railroad while engaged in commerce in this State shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or in case of the death of such employee, his or her personal representative for such injury or death to such employee resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, docks, boats, wharves, or other equipment.

SEC. 2. *Contributory negligence.*—In all actions hereafter brought against any such common carrier by railroad, or by virtue of any of the provisions of this act to recover damages for personal injury to any employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may have been injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute, State or Federal, enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 3. *Assumption of risk.*—In any action brought against any common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any employee, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute, State or Federal, enacted for the safety of employees contributed to the injury or death of such employee.

ACTS OF 1924

CHAPTER 68.—*Bureau of agriculture, labor, and statistics*

SECTION 2. *Personnel.*—In the bureau of agriculture, labor, and statistics there shall be appointed by the commissioner, with the approval of the governor as specified in section 4, a chief labor inspector, who may be either a man or a woman and four deputy labor inspectors, two of whom shall be men and two shall be women, who, with one clerical assistant, shall constitute the department of labor under the commissioner. The chief labor inspector shall receive $3,000 per annum and each deputy $1,600 per annum, payable monthly. The salary of the clerical assistant shall not exceed $1,200 per annum.

SEC. 3. *Qualifications of chief labor inspector.*—The chief labor inspector shall be a person with a good working knowledge of shop and factory practice, industrial sanitation, accident prevention, the general industrial development in the State, and of the labor laws of the State, and shall also be a person of executive ability and good moral character, provided said chief labor inspector shall have been a resident of the State of Kentucky for at least two years next prior to his appointment. The chief labor inspector shall under

the commissioner be in complete charge of the activities of the department of labor, and together with his deputies shall inspect places of employment.

SEC. 4. *Examination of applicants for inspectorships.*—Every person desiring appointment either as chief or deputy labor inspector shall be required to pass a competitive written and oral examination touching his or her qualifications as set forth in section 3. The records of such examinations (including questions, answers, and marks awarded) shall be kept in the department as a matter of public record and open to the inspection of any citizen at any and all times. Such examinations shall be held by the commissioner, the State sanitary engineer, and the head of the engineering department of the University of Kentucky. The chief inspector shall be chosen from among four applicants receiving the highest rating. Any vacancy occurring in the office of chief or deputy inspectors shall be filled in the same manner as appointments are made in the first instance.

SEC. 5. *Removal from office.*—The chief inspector and the deputy inspectors shall be appointed for a period of four years and may be removed from office by the commissioner for neglect of duty, incompetence, gross insubordination, intoxication, or immorality: *Provided,* That such removal shall not take place until at least five days after a written notice specifying the charges against him or her shall be sent by registered mail to the offending inspector who may demand a public hearing of such charges. A copy of this notice shall be filed with the secretary of State and shall be a matter of public record and a record shall also be kept of the proceedings of the hearings and any party feeling aggrieved may appeal to the governor, who may reverse the findings of the commissioner on the records.

SEC. 6. *Duties of department.*—The department of labor shall through its inspectors visit places of employment for the purposes of (1) the investigation of the condition of employment affecting the life, health, safety, of employees, (2) the administration and enforcement of all laws of the State regulating the employment of labor, and (3) the collection of statistics pertaining thereto. Any employer shall be furnished, upon request made to the chief labor inspector, a detailed report of any inspection of that employer's place of business.

SEC. 7. *Records.*—Proper, complete, and permanent records shall be made of all investigations showing dates when examinations were made, the condition in which the establishment was found, and what changes were ordered. Such records shall be delivered by the chief labor inspector at the expiration of his term of office to the incoming commissioner, who shall give to the chief labor inspector a properly attested receipt therefor.

SEC. 8. *Interference with inspectors.*—Any employer, firm, or corporation, or officer, manager, or superintendent of any person, firm, or corporation who shall refuse or attempt to prevent the admission of any inspector authorized by this article [act] upon or within the premises or building of any establishment or place which he is required by law to inspect, at any reasonable hour, or during the working hours of the persons employed thereat or therein, or shall in any manner interfere with the performance of the official duties of such inspector, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than $25 nor more than $100 for each offense or shall be imprisoned in jail for not more than fifty days or receive both such fine and imprisonment.

SEC. 9. *Reports.*—The department of labor shall prepare biennially for presentation to the general assembly and for public distribution a report of the activities of the department, which shall embody a complete summary of the work of the department including number of visits made, types of establishments inspected, working conditions found, number of violations of labor laws, number of prosecutions, and improvements noted.

SEC. 10. *Cooperation with other departments.*—The chief and deputy inspectors of the department of labor shall be furnished with a copy of all the laws and rulings of the State board of health affecting sanitary conditions in places of employment not covered by the labor laws of the State, and shall report in writing to the State, county, or municipal health authorities any violations coming under their observation while visting places of employment in the regular performance of their duty.

The chief and deputy inspectors shall be furnished with a copy of all the laws and rulings of the State fire marshal's office relating to fire hazards in places of employment and shall report in writing to the State, county, or municipal authorities any violations coming under their observation while visiting places of employment in the regular performance of their duty.

SEC. 11. *Registration of factories, etc.*—Every person, firm, or corporation shall within one month after he, they, or it shall begin to occupy a factory, workshop, mill, or other place of employment notify in writing the chief labor inspector, department of labor at Frankfort, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of summons can be made and in case of firm, the individual names of members of the firm, and its legal title.

SEC. 12. *Duties of prosecuting attorney.*—The prosecuting attorney of each county and city in this State shall conduct all prosecutions for violations of the provisions of this act occurring in their respective jurisdictions.

SEC. 13. *Labor disputes.*—The chief and deputy labor inspectors shall not take any part, interfere, or become involved in any lockout, strike, or similar labor difficulty. Upon proof of such behavior he or she shall forfeit his or her office.

SEC. 14. *Expenses.*—There shall be appropriated for the expenses of the department of labor of the bureau of agriculture, labor, and statistics, including the salaries of all persons appointed under it, the sum of $15,000 per annum. All salaries, office expenses, and necessary traveling expenses incurred in the regular performance of the duties of the inspectors shall be paid out of the fund appropriated for the department upon the submission of an itemized statement of same duly certified by the chief labor inspector. The biennial reports of the department of labor, also an adequate number of pamphlets containing abstracts of the labor laws of Kentucky and such other educational material as the commissioner may deem advisable, shall be printed by the public printer under the direction of the commissioner of public printing and paid for out of the general fund provided by law for the printing for the executive departments.

SECS. 15, 16. *Exemptions.*—[These sections declare mine inspectors and the workmen's compensation board not to be affected by this act.]

CHAPTER 71.—*Payment of wages in scrip*

SECTION 1. *Redemption; records.*—An individual, firm, partnership, or organization or corporation employing labor who may hereafter issue any script [scrip], due bills, checks, or other evidence of debt in any form for labor shall redeem same in cash or legal tender at face value at least once in each month on a regular pay day from any person or persons, firm, or corporation who may present the same for payment: *Provided*, That any person, firm, or corporation buying said script [scrip] or other evidence of debt which has been issued to employees for labor shall be entitled to sue the person, firm, or corporation issuing the same if payment is refused, and shall be entitled to recover face value therefor if it has been paid for in goods and merchandise in store, and if paid for in cash shall be entitled to recover the amount paid for said script [scrip] or other evidence of debt issued to employees, together with 6 per cent interest from date said script [scrip] was purchased, and in the event said amount paid for said script [scrip] or other evidence of debt issued to employees is less than the face value thereof, and that the amount paid and interest thereon is less than face value of said script [scrip], the residue of the face value thereof shall be credited on the books of the employer to the employee to whom it was issued and said employee shall be entitled to receive same on any regular pay day of said employer: *And provided*, That the person, firm, or corporation suing said employer to recover on said script [scrip] or other evidence of debt shall not be required to make the persons from whom said script [scrip] or other evidence of debt was purchased party or parties to any action brought to enforce collection for same. All persons, firms, and corporations purchasing script [scrip] or other evidence of debt issued to employees on account of labor shall keep an accurate record of the amount of script [scrip] or other evidence of debt purchased and this record so kept shall show the name of each person from whom script [scrip] or other evidence of debt issued to employees for labor was purchased, the amount purchased, date thereof, and amount paid in goods or in cash or other thing of value, and who issued said script [scrip] or other evidence of debt so purchased. This act shall not apply to persons, firms, or corporations employing less than twenty persons. The itemized statement from the record so kept shall be presented when payment is demanded for script [scrip] or other evidence of debt so purchased from any person, firm, or corporation and said statement shall be properly sworn to by the person presenting same or by his or its agent.

LOUISIANA

CONSTITUTION—1921

ARTICLE IV.—*Labor legislation*

SECTION 4. *Restrictions.*—The legislature shall not pass any local or special law on the following specified subjects:

* * * * * * *

Regulating labor, trade, manufacturing, or agriculture.

* * * * * * *

Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

* * * * * * *

SEC. 7. *No wage regulation.*—No law shall be passed fixing the price of manual labor, but the legislature, through a commission or otherwise, may establish minimum wages for and regulate the hours and working conditions of women and girls, except those engaged in agricultural pursuits or domestic service.

ARTICLE X.—*Exemption of laborers from license tax*

SECTION 8. *Laborers exempt from license.*—[Authorizes the legislature to levy a license tax on trades, callings, etc., from which, among others, laborers and those engaged in mechanical pursuits or in operating sawmills are exempt.]

ARTICLE XI.—*Suits for wages—Homesteads not exempt*

SECTION 2. *Exemption not applicable.*—[Homestead exemptions are provided for, but they do not apply in the case of debts owing for labor, money, and material furnished for building, repairing, or improving homesteads.]

REVISED LAWS—1897

Arbitration and conciliation of labor disputes

SECTION 1. *Appointment of board.*—Within thirty days after the passage of this act the governor of the State, with the advice and consent of the senate, shall appoint five competent persons to serve as a board of arbitration and conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or board representing employers of labor, two of them shall be employees, selected or recommended by the various labor organizations and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four: *Provided, however,* That if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the governor: *Provided also.* That if the employers or employees fail to make their recommendation as herein provided within thirty days, then the governor shall make said appointments in accordance with the spirit and intent of this act; said appointments, if made when the senate is not in session, may be confirmed at the next ensuing session.

SEC. 3. *Organization.*—Each member of said board shall before entering upon the duties of his office be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman and one of their number as secretary. The board shall, as soon as possible after its organization, establish rules of procedure.

SEC. 4. *Mediation.*—Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the

State exists between an employer, whether an individual, copartnership, or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

SEC. 5. *Decision to be published.*—Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

SEC. 6. *Applications to board.*—Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy, and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exist[s], or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

SEC. 7. *To contain what.*—Said application shall contain a concise statement of the grievances complained of and a promise to continue on in business or at work in the same manner as at the time of the application without any lockout or strike until the decision of said board if it shall be made within ten days of the date of filing said application.

SEC. 8. *Hearing.*—As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but the public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the board.

SEC. 9. *Witnesses, etc.*—The board shall have power to summon as witnesses any operative in the department of business affected and any person who keeps the record of wages earned in these departments, and examine them under oath and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the board. The board shall have the right to compel the attendance of witnesses or the production of papers.

SEC. 10. *Notification by mayor or judge.*—Whenever it is made to appear to the mayor of a city or the judge of any district court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the mayor of such city or the judge of the district court of such parish, shall at once notify the State board of the fact. Whenever it shall come to the knowledge of the State board either by the notice of the mayor of a city or the judge of the district court of the parish, as provided in the preceding part of this section or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employees.

SEC. 11. *Duty of board.*—It shall be the duty of the State board in the above described cases to endeavor, by mediation or conciliation to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike

or lockout has not actually occurred or has [is] not then continuing to submit the matters in dispute to the State board of arbitration and conciliation; and the State board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act.

SEC. 12. *Reports.*—Said State board shall make a biennial report to the governor and legislature, and shall include therein such statements, facts and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

SEC. 13. *Compensation.*—The members of the State board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall quarterly certify the amount due each member, and on presentation of his certificate the auditor of the State shall draw his warrant on the treasury of the State for the amount.

This statute authorizes investigation on proper application without the consent of all parties. Boards are governed by the broad rules of law and equity, and not by technical rules of law. Objections upon grounds of irregularity must be made before the board, both parties being represented, before application to the courts to correct errors. Apprehension that the conclusion and decision of the board will be erroneous is not ground for an injunction. 17 So. 418.

Labor organizations—Incorporation

SECTION 677. *Who may incorporate.*—Whenever any number of persons exceeding six may be desirous of forming themselves into a corporation or body politic for the preservation of life or property, or for any religious, scientific, literary or charitable purpose, and to acquire and enjoy the rights, privileges and powers of a body corporate and politic in law, it shall be lawful for such persons to prepare and sign an instrument, either in authentic form or under private signature, wherein they shall declare and specify the purposes and objects of such corporation; the name, style and title thereof; the place chosen for its domicile; the manner in which such managers and officers are to be chosen; the officer on whom citations may be served, and the length of time during which the corporation shall exist and continue. The act of incorporation shall be handed to the district attorney, in which its domicile is fixed for examination as to its legality; and should he be of opinion that the purposes and objects of the corporation, as specified in said act, are legal, and that none of the provisions therein contained are contrary to law, he shall indorse his opinion to that effect thereon. The act, together with the opinion of the district attorney, shall then be recorded in the office of the parish recorder, or other official performing the duties of parish recorder, which act, when so recorded, shall constitute the subscribers to the same, and their associates and successors, a body politic and corporate, for the purposes and objects declared and contained in the act, and shall have continuance and succession by the name, style and title as set forth in the act, a copy of which, duly certified by the officer in whose office the same is recorded, shall be full and complete evidence of the contents of the original act.

(Page 136. Act No. 50, Acts of 1890.)

SECTION 1. *Incorporation of trades-unions, etc.*—Any trades-unions, Knights of Labor assemblies or lodges, Farmers Alliances or any similar organizations as now established in this State or as may hereafter be established for similar purposes, may form themselves into incorporated bodies: *Provided*, That no less than six members or persons comply with the requirements of section six hundred and seventy-seven of the Revised Statutes, relative to the organization of corporations for literary, scientific, religious and charitable purposes, and all acts amendatory thereof, and the provisions of section 677 * * * shall apply to and include all corporations organized under the provisions of this act.

Antitrust law—Labor organizations exempt

(Page 205. Act No. 90, Acts of 1892.)

SECTION 8. *Exemption of labor combinations.*—The provisions of this act shall not * * * be so construed as to affect any combination or confederation of laborers for the purpose of procuring an increase of their wages or redress of grievances.

Protection of employees as voters

SECTION 902. *Attempting to influence votes, etc.*—Any planter, manager, overseer, or other employer of laborers in this State who shall, previous to the expiration of the term of service of any laborer in their employ, or under their control, discharge from their employ any laborer or laborers on account of their political opinions, or who shall attempt to control the suffrages or votes of such laborers by any contract or agreement whatever, entered into at any time with such laborers, shall pay a fine of not less than one hundred dollars, nor more than five hundred dollars, to be recovered before any court of competent jurisdiction, and it shall be the duty of the district attorney for the judicial district, or the district attorney pro tempore of the parish in which such offender resides, to institute such suit in the name of the parish of the offender's residence, and he shall be entitled to twenty-five per cent of the amount of all fines he may so recover as his fees in the case, and the balance shall be paid to the treasurer of the common school fund of such parish for the use of common schools in such parish, and upon due conviction for any such offense such offender shall be imprisoned not exceeding one year.

Suits for wages

(Page 683. Act No. 92, Acts of 1873.)

SECTION 1. *Actions against nonresidents.*—In all parishes of the State it shall be lawful for mechanics, laborers, and others doing work on the plantation or plantations of the nonresident proprietors thereof to institute suit for the recovery of their wages, labor, work, or portion of the crop, as the case may be, against the nonresident proprietors of said plantation in the parish in which said labor or work was done and performed.

SEC. 2. *Service of citation.*—In all cases when suits are to be instituted it shall only be necessary to make service of the copy of citation and petition upon the agent, overseer, manager, or other person having control, management, or administration of said plantation, and in the employ of the said nonresident proprietor.

(Page 683. Act No. 25, Acts of 1874.)

SECTION 1. *Time of trial.*—In all cases instituted before any court of this State by a laborer or laborers upon any farm or plantation for the recovery of his or their wages, it shall be legal and competent for the judge, upon application of either plaintiff or defendant, to try the suit either in chambers or in open court after three days' service of citation.

SEC. 2. *Appeals.*—In case of appeal from any judgment so rendered either plaintiff or defendant shall be entitled to have the case tried de novo in the appellate court, either in chambers or in open court, and all appeals in such cases shall be returnable to the appellate court within three days after rendition and signing of judgment.

(Page 683. Act No. 16, Acts of 1886.)

SECTION 1. *Venue.*—Parties holding claims against any citizen of this State for labor performed, or for supplies or materials furnished, or for improvements made upon any farm or plantation, or real estate, are hereby authorized to institute suit for the recovery of such claims before any competent court having territorial jurisdiction of the property, whether the owner be domiciled or not in the parish where the property is situated.

Occupational diseases—Provisions for safety

(Page 753. Act No. 123, Acts of 1890.)

SECTION 1. *Power of State board of health.*—The board of health of the State of Louisiana is hereby authorized to enact from time to time all needful rules and regulations for the better protection of the health of operatives and employees, working in manufactories, workshops, laboratories, and other places in which substances, materials, or compounds, poisonous in their nature, or otherwise injurious to the health of said operatives or employees are used, manufactured, compounded, prepared, or handled.

SEC. 2. *Rules to be observed.*—Said rules and regulations when so adopted by the board of health, shall be observed and complied with by the owners and proprietors of said manufactories, workshops, laboratories, or other places described in the first section of this act, as well as by all persons, superintendents, managers, foremen, lessees, or sublessees in charge of such establishments, within twenty (20) days after being served by the board of health, with a copy of said rules and regulations, and a notice to comply therewith.

SEC. 3. *Violations.*—Any person failing to comply with the provisions of this act, or the rules and regulations thereunder, or violating the provisions thereof, shall be fined twenty-five (25) dollars, or be imprisoned in the parish jail not more than ten days, for each and every offense.

Railroads—Telltales

(Page 765. Act No. 39, Acts of 1882.)

SECTION 1. *Bridges over railroads.*—All railroads now operating in the State of Louisiana, or which may hereafter operate in said State shall, at a point not less than one hundred and fifty feet from either approach of their bridges, cause stands to be erected, and from the same cause to be hung across the entire width of their track light ropes, properly knotted and hanging so low as to absolutely touch the head or body of any train hand in ample time to notify him of his near approach to the bridge, and enable him to take the necessary precautionary means to avoid the possibility of injury.

SEC. 3. *Enjoining operation.*—In the event any railroad company should fail or refuse to comply with the provisions and requirements of this act, the governor shall, through the attorney general of the State, cause such company to be enjoined from operating or running any trains in this State until said provisions and requirements are complied with.

A brakeman does not assume the risk arising from a railroad company's failure to erect telltales as required by this statute. 37 So. Rep. 131.

Hours of labor on street railways

(Page 766. Act No. 95, Acts of 1886, as amended by act No. 122, Acts of 1902.)

SECTION 1. *Ten hours a day's work.*—Ten hours labor in twenty-four shall constitute a day's labor in the operation of all street railroads owned or operated by corporations incorporated under the laws of this State, whatever motive power may be used in the operation of such railroads; the said ten hours to be embraced within twelve consecutive hours.

SEC. 2. *Misdemeanor.*—It shall be a misdemeanor for any officer or agent of any street railroad company to exact from any of its employees more than ten hours' labor in the twenty-four, constituting a day and embraced within twelve consecutive hours: *Provided, however*, That in cases of accident[,] unavoidable delay, or emergency extra labor may be permitted for extra compensation, with the consent of the employee.

SEC. 3. *Violations.*—[Violations incur a penalty of not exceeding $50, or imprisonment not more than 2 months, or both. Fine to go to benefit of public schools.]

VOORHIES' REVISED CIVIL CODE OF 1870—EDITION OF 1888

Employment of labor—General provisions

ARTICLE 162. *Free servants.*—There is only one class of servants in this State, to wit: Free servants.

ART. 163. *Definition.*—Free servants are in general all free persons who let, hire or engage their services to another in this State, to be employed therein at any work, commerce or occupation whatever for the benefit of him who has contracted with them, for a certain price or retribution, or upon certain conditions.

ART. 164. *Kinds of servants.*—There are three kinds of free servants in this State, to wit:

1. Those who only hire out their services by the day, week, month or year, in consideration of certain wages; the rules which fix the extent and limits of those contracts are established in the title: Of Letting and Hiring.

2. Those who engage to serve for a fixed time for a certain consideration, and who are therefore considered not as having hired out but as having sold their services.

3. Apprentices, that is, those who engage to serve anyone in order to learn some art, trade or profession.

ART. 2320. *Liability of employers.*—Masters and employers are answerable for the damage occasioned by their servants and overseers, in the exercise of the functions in which they are employed.

Teachers and artisans are answerable for the damage caused by their scholars or apprentices, while under their superintendence.

In the above cases, responsibility only attaches, when the masters or employers, teachers and artisans, might have prevented the act which caused the damage, and have not done it.

A youth put to work at a dangerous machine without instruction has, under the above sections, an action for injuries received while so employed. 23 So. 469.

Employment of labor

ARTICLE 2673. *Species of contracts.*—There are two species of contracts of lease, to wit:

1. The letting out of things.

2. The letting out of labor or industry.

ART. 2675. *Definition.*—To let out labor or industry is a contract by which one of the parties binds himself to do something for the other, in consideration of a certain price agreed on by them both.

ART. 2745. *Letting of labor.*—Labor may be let out in three ways:

1. Laborers may hire their services to another person.

2. Carriers and watermen hire out their services for the conveyance either of persons or of goods and merchandise.

3. Workmen hire out their labor or industry to make buildings or other works.

ART. 2746. *Contracts limited.*—A man can only hire out his services for a certain limited time, or for the performance of a certain enterprise.

ART. 2747. *Termination of contract.*—A man is at liberty to dismiss a hired servant attached to his person or family, without assigning any reason for so doing. The servant is also free to depart without assigning any cause.

ART. 2748. *Employees on farms and in factories.*—Laborers, who hire themselves out to serve on plantations or to work in manufactures, have not the right of leaving the person who has hired them, nor can they be sent away by the proprietor, until the time has expired during which they had agreed to serve, unless good and just causes can be assigned.

A laborer, discharged for good cause before the expiration of his contract, is entitled to recover wages for the time served. 1 Robinson, 332.

ART. 2749. *Discharge.*—If, without any serious ground of complaint, a man should send away a laborer whose services he has hired for a certain time, before that time has expired, he shall be bound to pay to such laborer the whole of the salaries which he would have been entitled to receive, had the full term of his service arrived.

A laborer hired for a fixed time, discharged without serious ground of complaint before the expiration of his term, may sue at once for the amount of wages he would have received had the service continued to the end of the time agreed upon. Immediately accepting new employment does not affect this right. 1 Robinson, 319.

ART. 2750. *Leaving employment.*—But if, on the other hand, a laborer, after having hired out his services, should leave his employer before the time of his engagement has expired, without having any just cause of complaint against his employer, the laborer shall then forfeit all the wages that may be

due to him, and shall moreover be compelled to repay all the money he has received, either as due for his wages, or in advance thereof on the running year or on the time of his engagement.

Wages as preferred claims—In administration

ARTICLE 3254. *Priority of wage claims.*—[Makes wages of servants rank next after funeral charges, law charges, and expenses of last illness.]

VOORHIES' CODE OF PRACTICE—THIRD EDITION

Exemption of wages from execution, etc.

ARTICLE 644. *Wage exemption.*—The sheriff or constable can not seize * * * wages, nor recompense for personal services, * * *

ACTS OF 1900

ACT No. 55.—*Employment of women*

SECTION 1. *Seats to be provided.*—Hereafter it shall be unlawful for any person, firm or corporation doing business in the State of Louisiana, where female labor or female clerks are employed, not to maintain seats, chairs, or benches which shall be so placed as to be accessible to said employees, for their use during the times when said employees are not actually engaged in the attention to their duties as employees of such firm, person or corporation.

SEC. 3. *Violations.*—[Violations are punishable by fine, $25 to $100, or imprisonment, 5 days to 6 months, in default of payment.]

ACTS OF 1904

ACT No. 165.—*Exemption of wages from garnishment*

SECTION 1. *Wages exempt, when.*—Wages earned out of this State and payable out of this State shall be exempt from attachment of garnishment in all cases where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with the process.

ACT No. 178.—*Employment of children, etc., to support men in idleness*

SECTION 1. *Who are vagrants.*—The several municipal corporations throughout the State shall adopt ordinances declaring vagrants, and punishing as such, * * * (all persons able to work who do not work) but who live upon the wages or personal earnings of their wives or of their minor children; * * *

ACT No. 195.—*Time for meals to be allowed employees in mercantile establishments*

SECTION 1. *One hour to be allowed.*—It shall be unlawful for any proprietor or proprietors, firm, or corporation doing business in this State, in cities of more than fifty thousand inhabitants, engaged in the retail business, or conducting retail department stores or retail establishments, not to allow their clerks at least one hour of the day, between the hours of 10:00 a. m. and 3:00 p. m. for their midday meal, lunch or recreation.

SEC. 2. *Violations.*—[Failure to comply with above provisions entails a fine, $25 to $100, and in default of payment, imprisonment, 15 days to 6 months.]

ACTS OF 1908

ACT No. 31.—*Interest to be paid on employees' deposits*

SECTION 1. *Rate of interest required.*—All corporations, firms, and individuals doing business in this State requiring of its or their employees a cash deposit as a guarantee for the faithful performance of the duties imposed upon such employees, shall pay to such employee in cash interest at the rate of not less than four per cent per annum on the cash sum so deposited.

ACT No. 155.—*Bureau of labor and statistics*

SECTION 1 (as amended 1914, No. 186). *Commissioner to be appointed.*—The governor shall, by and with the advice and consent of the senate, appoint some suitable person who shall be designated commissioner of labor and said commissioner of labor shall appoint, with the approval of the governor, two suitable persons who shall be designated assistant commissioners of labor; said assistant commissioners shall be residents of different sections of the State from each other and from the commissioner of labor. The headquarters of such commissioner and assistant commissioners shall be fixed at such place as the governor shall designate and they shall hold their offices for a term of four (4) years. The assistant commissioners of labor shall perform their duties under the direction and orders of the commissioner of labor.

SEC. 2 (as amended 1914, No. 186). *Duties.*—The duties of said commissioner and said assistant commissioners shall be to visit and inspect manufacturing establishments, workshops, mills, mercantile establishments, factories, and other places where industrial work is being done for the purpose of enforcing the laws regulating or dealing with the conditions of employment of labor of any kind, and to prosecute all persons, firms, associations, or corporations violating the labor laws of the State. It shall be the duty of such commissioner and assistant commissioners to collect, assort, systematize, and present annual reports to the governor to be by him biennially transmitted to the general assembly, within ten days after the convening thereof, statistical data relating to all departments of labor in the State, especially such data as relate to the commercial, industrial, social, educational and sanitary conditions of the laboring people and to the permanent prosperity of the productive industries of the State. It shall also be the duty of said commissioner and assistant commissioners and they shall have authority to inquire into the causes of strikes, lockouts, or other disturbances of the relation of employers and employees and to report to the governor at as early a date as possible thereafter the result of such inquiry.

SEC. 3 (as amended 1914, No. 186). *Powers.*—The commissioner and his assistant commissioners shall have power to take and preserve evidence, examine witnesses under oath and administer same, and in the discharge of his duties may enter any public institution of the State, and at reasonable hours any factory, mill, workshop, mercantile establishment, or other places where labor may be employed. In the city of New Orleans the mayor shall appoint a factory inspector who may be either male or female. The commissioner and each assistant commissioner shall have power to investigate all cases where violations of the laws pertaining to the conditions of employment of labor is complained of; and it is hereby made the duty of said commissioner and assistant commissioners to order the criminal prosecution in any competent court of any person, firm, association, or corporation, acting in violation of any laws of this State regulating the conditions of the employment of labor.

SEC. 4. *Duty of officers.*—All State, parochial, municipal, and town officers are hereby directed to furnish said commissioner, upon his request, all statistical information in reference to labor and industries, which may be in their possession as such officers.

SEC. 5 (as amended 1914, No. 186). *Hindering commissioner.*—Any person who shall willfully impede or prevent the commissioner or assistant commissioners in the full and free performance of his or their duties shall be deemed guilty of a misdemeanor and upon conviction of the same shall be fined not less than ten ($10) dollars, nor more than fifty ($50) dollars or be imprisoned not less than five (5) days or more than twenty-five (25) days in the parish jail, or both, at the discretion of the court.

SEC. 6 (as amended 1920, No. 144). *Salaries.*—The commissioner shall receive a salary of three thousand ($3,000) dollars per annum, and each assistant commissioner a salary of eighteen hundred ($1,800) dollars per annum. The commissioner shall employ a secretary who shall receive a salary of twelve hundred ($1,200) dollars per annum. The commissioner and assistant commissioners shall be allowed not to exceed six hundred ($600) dollars per annum for office maintenance and not to exceed twenty-five hundred ($2,500) dollars per annum for traveling and all other necessary expenses incurred in the performance of their duties. All salaries and expenses shall be payable monthly out of the general fund upon the warrant of the commissioner.

Act No. 228.—*Payment of wages in scrip*

Section 1. *Scrip to be redeemed in cash.*—Any person, firm or corporation issuing checks, punch outs, tickets, tokens, or other device, redeemable either wholly or partially in goods or merchandise at their, or any other place of business, shall, on demand of any legal holder thereof, on the next pay day of such person, firm or corporation issuing same succeeding the date of issuance of same be liable for the full face value thereof, in current money of the United States.

Sec. 2. *Payable to bearer.*—Any such checks, punch outs, tickets, tokens, or other device, issued by any person, firm or corporation, shall be considered and treated as payable to bearer, on demand, in current money of the United States, notwithstanding any contrary stipulation or provision which may be therein contained.

Sec. 3 (as amended 1924, No. 210). *Failure to redeem.*—[Failure of the party issuing such checks, tokens, etc., to redeem the same at full face value when demanded so to do by the legal holder thereof, on a regular pay day, is a misdemeanor, punishable by fine, $50 to $500, and imprisonment not more than 90 days, in the discretion of the court.]

Act No. 264.—*Protection of employees on buildings*

Section 1 (as amended 1924, No. 25).—*Safeguards.*—For the safety of persons in and about the construction, repairing, alteration or removal of buildings, bridges, viaducts and other structures, all scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person or firm in this State for use in the erection, repairing, alteration, removing or painting of any house, building, or bridge, viaduct, or other structure in cities of more than fifteen thousand inhabitants, shall be erected and constructed, placed and operated so as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon.

Sec. 2. *Safety rail for scaffolds, etc.*—In the construction or repairing, alteration or removal of any structures, that scaffolding or staging, swung or suspended from any overhead support, more than twenty feet from the ground or floor shall have where practicable, a safety rail properly bolted, secured and braced, and rising at least thirty-four (34) inches above the floor or main portion of such scaffolding or staging and extending along the entire length outside and ends thereof, and properly attached thereto and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

Sec. 3 (as amended 1924, No. 25). *Supports for joists.*—In any house, building or structure in process of erection or construction, where the distance between the inclosing walls is more than twenty-four feet in the clear, there shall be built, kept, and maintained proper intermediate supports for the joists, which support shall be either brickwork walls, iron or steel columns, beams, trusses or girders or [of] wood, or other material of sufficient strength, and the floors in all such houses, buildings or structures in the process of erection or construction shall be designed, and constructed in such manner as to be capable of bearing in all their parts in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of twenty-five pounds for every square foot of service [surface] in such floors, and each and every opening in such floor of any kind shall be railed all around said opening, with a substantial railing four feet in height, and it is hereby made the duty of every owner, builder, lessee, contractor or subcontractor of such house, building or construction or the superintendent or agent of either to see that all the provisions of this act are complied with.

Sec. 4. *Loading capacity.*—It shall be the duty of every owner of every house, building or structure (except buildings exclusively for residential purpose), now under construction or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of the floor surface, which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor.

It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placard and all such placards shall be verified and approved by the city engineer or inspector of buildings or other proper authority of the city charged with the enforcement of building laws.

SEC. 5 (as amended 1924, No. 25). *Inspection.*—Whenever it shall come to the notice of the building inspector or any officers whose duty it is to enforce this act in any city in this State of more than fifteen thousand inhabitants, charged with the duty of enforcing the building laws, that the scaffoldings, stays, hangers, blocks, pulleys, slings, braces, ladders, irons, or ropes of any swinging or stationary scaffolding, platform or other similar device, used in the construction, repairing, alteration, removing, cleaning, or painting of buildings, bridges, viaducts or other structure within said cities, are liable to prove dangerous to life and limb of any person, such local authorities shall immediately cause an inspection to be made of such scaffolding, platform or device or the slings, hangers, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith, and if after an examination, such scaffolding, platform or device or the slings or any parts thereof be found to be dangerous to life and limb of any person, the said local authorities shall at once notify the person responsible for the maintenance of such fact and warn him against the use, maintenance or operation thereof and require the same to be altered and reconstructed, so to avoid such danger.

Such notice may be served personally upon the one responsible for its erection or by conspicuously affixing it to the scaffolding, platform or other device, or the part thereof declared to be unsafe. After such notice has been served or affixed, the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or such part thereof or alter or strengthen it in such manner as to render it safe. The officer or such local authority whose duty it is to examine or test any scaffolding, platform or similar device or part thereof required to be erected and maintained, by this section, shall have free access at all times during reasonable hours at any buildings or structures containing such scaffolding, platforms or other similar device or parts thereof or where they may be in use. All swinging or stationary platforms, scaffolding, or other similar devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon or placed thereon when in use and such swinging scaffolding, platform or other similar devices shall not be so loaded or crowded as to render them unsafe or dangerous.

SEC. 6. *Secondary scaffolds, etc.*—Any person, firm, or corporation in this State, hiring, employing or directing another to perform labor of any kind in erecting, repairing, altering or painting any water pipe, standpipe, smokestack, chimney, tower, steeple, pole, staff, dome, or cupalo [cupola], with the use of any scaffold, staging, swing hammock, support, temporary platform, or other similar contrivance, for such labor, shall keep and maintain at all times while such labor is being performed and such mechanical device in use or operation a safe and proper scaffold, stay, support, or other suitable device, not less than sixteen feet below such working scaffold, staging, swaying hammock, support or temporary platform when such work is being performed at a height of thirty-two (32) feet or more, for the purpose of protecting the person or persons performing such labor from falling in case of any accident to such working scaffold, staging, swaying hammock, support or temporary platform.

SEC. 7 (as amended 1924, No. 25). *Protective floors.*—All contractors and owners, lessees and subcontractors, when constructing buildings where the plans and specifications require the floors to be arched between the beams or where the floors are fireproof material or brickwork, shall complete the flooring or filling in as the building progresses, to not less than within three tiers or beams below and on which the ironwork is being erected. If the plans or specifications do not require the filling in between the beams with brick or fireproof material, said contractor shall lay in the underflooring or a safe temporary floor, on each story as the building progresses to not less than within two stories of the floor below, to which said building has been erected and where double floors are not to be used shall keep planks over the floor, to two stories of the floor below the story where the work is being performed, and if the floor beams are not of iron or steel, the contractor for the iron or steel work in the course of construction or the owner shall throughly plank over the entire tier of iron or steel beams, on which the structural iron or steel work is being erected, except such places as are necessary for the proper con-

struction of the iron or steel work, and for the raising or lowering of material to be used on said building: *Provided*, That all openings in said floor are railed as required by this act.

SEC. 8 (as amended 1924, No. 25). *Elevator shafts.*—If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting material, the contractor, owner, or lessee shall cause all shafts or openings such as stairways, ladder openings, elevator opening[s] or shafts, or any other opening left in said floors to be inclosed or fenced all around on all sides by a substantial barrier or railing at least four feet in height: *Provided*, That any hoisting machine or engine used in such building construction shall, where practicable, be set up or placed on the ground and where it is necessary to place such hoisting machines or engines on the same floor above the ground floor, they must be properly and securely supported with a foundation capable of sustaining twice the weight of such machine or engine, and if the building in course of construction is three stories or over in height, no material needed for such construction, shall be hoisted or lifted over any public street or alley, unless such street or alley shall be barricaded from use by the public or so covered as to prevent injury to pedestrians.

SEC. 9. *Signals.*—If elevating machines or hoisting apparatus, operated or controlled by other than hand power, be used in the construction, alteration or removal of any building or other structures, a complete adequate system of communication by means of signals shall be provided and maintained by the owner, contractor or subcontractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and perfect communication may be had at all times between the operator of the engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same, and the officers of any city charged with the enforcement of the building law are hereby charged with the enforcement of this provision of this act and in case of their failure so to do, the police authorities shall pursuant to the terms of this act enforce the provisions thereof.

SEC. 10. *Violations.*—[Violations of above provisions are punishable by fine, $25 to $500, or imprisonment, 3 months to 2 years, or both.]

ACT NO. 271.—*Preference of citizens for employment on public works*

SECTION 1. *Employment of citizens.*—Every contractor, superintendent or duly authorized agent engaged in the construction of any State or public building or public works for the State of Louisiana, in cities whose population exceeds ten thousand (10,000) shall employ only mechanics who are citizens of the State and who have paid their poll tax for the current or next preceding year prior to engaging in the work.

SEC. 2. *Where citizens are not available.*—In the event mechanics, where such works or buildings are being constructed, are not available, then such contractor, superintendent or duly authorized agent, shall notify the mayor of the city wherein the work is being done, of such fact, and unless the mayor of said city shall forthwith supply such contractor, superintendent or duly authorized agent with the mechanics needed, said contractor, superintendent or duly authorized agent shall be authorized to employ mechanics who are not citizens of the State of Louisiana, to make up the deficiency: *Provided*, That nothing herein shall be construed to prevent the State of Louisiana or any parochial or municipal corporation from placing or letting any contract for the erection or construction of any public building or public work, in the open market, and soliciting bids from persons or corporations without the State of Louisiana.

SEC. 3. *Violations.*—[Violations entail a fine not exceeding $100, or imprisonment not more than 60 days, or both.]

ACT NO. 297.—*Railroads—Cars, etc., to be repaired within the State*

SECTION 1. *Use of local shops.*—All railway or railroad corporations operating in the State of Louisiana, and having their repair shops within the State, as a condition precedent to exercising the right of eminent domain under the laws of the State of Louisiana, the railway or railroad corporations so operating within the State of Louisiana, shall and are hereby required to repair, renovate or rebuild in the State of Louisiana any and all defective or broken cars, coaches, locomotives or other equipment, owned or leased by said cor-

porations in the State of Louisiana, when such rolling stock is within the State of Louisiana: *Provided*, Such railway shall have or be under obligations to have proper facilities in the State to do such work: *And provided*, This act shall not be so construed as to require any railway company to violate the safety appliance law of Congress: *And provided further*, That no railway company shall be required to haul such disabled equipment a greater distance for repairs at a point in Louisiana than would be necessary to reach repair shops in another State.

SEC. 2. *Sending cars, etc., outside State.*—All railroad corporations operating in the State of Louisiana and having their repair shops within the State shall be prohibited from sending or removing any of their cars, coaches, locomotives, or other equipment out of the State of Louisiana to be repaired, renovated, or rebuilt when the same is in a defective or broken condition and within the State.

SEC. 3. *Violations.*—[Fines of from $50 to $200 or imprisonment not more than 3 months, or both, are fixed for violations of this act.]

ACT No. 301.—*Employment of women and children—Factory, etc., regulations*

SECTION 1 (as amended 1914, No. 133). *Age limit.*—[Forbids the employment of children under 14 in mills, factories, mines, packing houses, workshops, laundries, millinery, dressmaking or mercantile establishments, hotels, restaurants, bowling alleys, as bootblacks, elevator operators, or in messenger or delivery service, or other occupation deemed unhealthful or dangerous; agricultural pursuits are excepted.]

SEC. 2. *Certificates.*—[Factory inspectors issue certificates for children 14 to 16 years of age, record to be kept and duplicate to be forwarded to State factory inspector.]

SEC. 3. *Enforcement.*—[Enforcement vests in commissioner of labor and factory inspectors.]

SEC. 4 (as amended 1916, No. 177). *Work time.*—[No child under 18 and no woman may work in industries named in sec. 1 more than 10 hours per day or 60 per week; one hour to be allowed for dinner; may be reduced to 30 minutes if two-thirds of the employees so desire. Longer work time Saturdays in stores employing more than 5 persons.]

SEC. 5 (as amended 1916, No. 177). *Night work.*—[Boys under 16 and girls under 18 may not be employed between 7 p. m. and 6 a. m. Same exception as above as to stores.]

SEC. 6. *Lists; certificates.*—[Reqnires list of names if 5 or more children 14 and under 18 years of age are employed; also certificate of age if 5 or more such children are employed in establishments, etc., named in sec. 1.]

SEC. 7. *Penalty.*—[False statement by parents, etc., to be punished.]

SEC. 8. *Certificate required.*—[If apparently nnder legal age, child must procure certificate of physical fitness from city or parish physician.]

SEC. 9. *Evidence.*—[Presence of child in establishment prima facie evidence of employment.]

SEC. 10. *Penalty.*—[Owner or manager hiding a child to evade inspection is guilty of a misdemeanor.]

SEC. 11. *Duty to report.*—[Employers must report number of children at time of inspection.]

SEC. 12. *Notice to inspector.*—[Employers of women and children must give notice to the factory inspector within one month after the occupancy of any factory, workshop, or mill.]

SEC. 13. *Seats for females.*—Every person who shall employ any female in any factory, mill, warehouse, manufacturing establishment, workshop, or store or any other occupation or establishment hereinabove mentioned shall provide suitable seats, chairs, or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees and shall permit the use of such seats, chairs, or benches by them when they are not necessarily engaged in the active duties for which they are employed, and there shall be provided at least one chair to every three females. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court.

SEC. 14. *Wash rooms, etc.*—[Separate suitable wash rooms and toilets must be provided. Violation is punishable by a fine, not less than $25 nor more than $50, or imprisonment for not less than ten days nor more than thirty days, or both.]

SEC. 15. *Stairways; doors.*—Stairways with substantial handrails shall be be provided in factories, mills, and manufacturing establishments for the better safety of persons employed in said establishments. The doors of such establishments shall swing outwardly or slide, as ordered by the factory inspector and it shall be neither locked, bolted or fastened during working hours. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days, or both, in the discretion of the court.

SEC. 16. *Limewashing, etc.*—Every factory, mill, or workshop in this State where women and children are employed shall be limewashed or painted when deemed necessary and ordered by the health authorities. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than thirty days or both, in the discretion of the court.

SEC. 17. *Cleaning moving machinery.*—No minor or woman shall be required to clean any part of the mill, gearing, or machinery in any such establishment in this State while the same is in motion. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans), for not less than ten days nor more than thirty days, or both, in the discretion of the court.

SEC. 18. *Hatchways, etc.*—The opening of all hatchways, elevators, and well-holes upon every floor of every manufacturing, mechanical, or mercantile or public building where women or children are employed in this State shall be protected by good and sufficient trapdoors of [or] self-closing hatches or safety catches or good strong guardrails at least three feet high. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans), for not less than ten days nor more than thirty days or both, in the discretion of the court.

SEC. 19. *Fans for dust producing, etc., machinery.*—In all establishments in this State wherein children, young persons, or women are employed where any process is carried on by which dust, or smoke or lint is generated the inspector shall have the power and authority to order that a fan or fans, or some other dust, or smoke or lint-removing or consuming contrivance or contrivances be so placed as to prevent the inhalation of such dust or smoke or lint by the employees: *Provided*, That two mechanical engineers, one chosen by the inspector and the other by the owner or owners of the establishment, shall agree as to the necessity of such fan or fans or other dust or smoke or lint-removing or consuming contrivance or contrivances. Upon the failure of said two mechanical engineers to agree, a third mechanical engineer shall be chosen to arbitrate. Failure to comply with this section shall be punishable by a fine of not less than $25 nor more than $50 or imprisonment in the parish jail (parish prison in New Orleans) for not less than ten days nor more than six months or both, in the discretion of the court.

SEC. 20. *Accidents to be reported.*—All accidents in manufacturing, mechanical, or other establishments or places within this State where children, young persons, or women are employed which prevent the injured person or persons from returning to work within two weeks after the injury or which result in death shall be reported semiannually by the person in charge of such establishment or place to the inspector. Failure to do this shall be deemed a violation of this section and punishable by a fine of not less than $5 nor more than $10 or imprisonment in the parish jail (parish prison in New Orleans) for not less than twenty-four hours nor more than ten days, or both, in the discretion of the court.

SEC. 21. *Office for inspector.*—It shall be the duty of the city or town or parish employing an inspector or inspectors to provide a suitable office for same and pay for all necessary expenses incurred in the discharge of the duties of said office.

SEC. 22. *Reports.*—There shall be an annual report of inspections made and all work and expenses in connection with said office forwarded to the commissioner of labor and incorporated towns and cities to the mayor and council of the cities and towns employing said inspector or inspectors.

SEC. 23 (as amended by act No. 61, Acts of 1912). *Mayor to appoint inspector*).—The mayor of the city of New Orleans, with the consent of the council, shall appoint a factory inspector, who may be either male or female, to see that the regulations of this act are observed and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than twelve hundred dollars per annum.

ACTS OF 1910

ACT No. 28.—*Suits for wages—Sending claims outside the State*

SECTION 1. *Sending out claims forbidden.*—It shall be illegal for any person, firm, or corporation to seek, solicit, receive, or transfer any account, note, or other claim against a resident of this State, who works for a salary or wages, with a view or with the intention of suing on it in another State, or permitting such to be done, or aiding or abetting such suit on such claim in another State, against a resident of this State.

ACT No. 254.—*Department of mining and minerals—Inspector of mines*

SECTION 1. *Department created.*—There is hereby established a department of mining and minerals, including gas and oil, to consist of the register of the State land office, who shall be ex officio supervisor of minerals, and one deputy supervisor of minerals, who shall be a person having a practical knowledge of geology, and natural gas, and oil, and who shall be appointed and commissioned by the governor, on the recommendation of the conservation commission, for the period of one year at a time; * * *

SEC. 2. *Duties of supervisor.*—The supervisor of minerals shall make inspection, either in person or through the deputy supervisor, of all mining operations carried on in this State, particularly that of the production of natural gas and oil, so far as practicable, and shall see that every precaution is taken to insure the health and safety of workmen engaged in mining. * * *

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He shall report * * * the amount of capital invested in the oil, gas, and other mining industries, and the number of persons employed in the same; the amount of capital invested in manufactures located on account of natural gas and oil and other minerals, and the number of employees, and other facts or information as the conservation commission may require.

ACTS OF 1912

ACT No. 20.—*Street railways—Seats for employees*

SECTION 1. *Seats to be provided.*—From and after the passage of this act, it is made the duty of all persons, partnerships, and corporations engaged in the operation of street railroads to provide the cars operated by them with good substantial seats on each platform of every car and to maintain them in good order for the use of the operator and conductor on the car and to permit and allow the operator and conductor of the car to use the seats so provided and seat and rest themselves thereon when in service on the cars on which they are employed while the cars are passing over portions of the roadbed out of the business district of any city, town, or village in this State.

Any persons, partnership, or corporation found guilty of violating any of the provisions of this act shall upon conviction be fined not less than fifty dollars nor more than five hundred dollars or be imprisoned in the parish jail not less than three months nor more than one year.

ACT No. 25.—*Employment of children in pool and billiard rooms*

SECTIONS 1, 2. *Age.*—[The employment of children under 17 in pool and billiard rooms is forbidden.]

ACT No. 184.—*Employment of children in certain occupations forbidden*

SECTION 1. *Acrobatic, etc., occupation.*—[Mendicant, acrobatic, etc., occupations are forbidden to children under 16. For similar law, see Delaware Code, sec. 2223.]

ACT No. 222.—*Bonds of employees*

SECTION 1. *Freedom to choose company.*—Whenever public utilities corporations in this State shall require of their employees or any employee in their or any such corporation's employ, bond for his or her fidelity and honesty, it shall be and it is hereby declared unlawful for such corporation or the officers or the managers thereof to require such employee to make such bond by giving as surety any certain bonding company designated or named by such corporations, its officers or managers: *Provided*, That any bonding company authorized to do business under the laws of the State of Louisiana that may be selected by such employee shall be accepted as surety on such bond or bonds when such bonding company is offered as such surety: *Provided*, That when satisfactory to such employers, bond may be made in such cases by the employee giving private surety: *Provided*, That this act shall not apply to bonds whereon the premium is paid by the employer and is not charged to the employee in any manner.

SEC. 2. *Violations.*—Any one violating any of the provisions of section 1 of this act shall upon conviction thereof before a court of competent jurisdiction be subject to a fine not exceeding $500 or imprisonment not exceeding six months.

ACT No. 237.—*Printing offices—Ventilation*

SECTION 1. *Fans to be installed.*—Hereafter all newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type-casting machines, shall be required to install in the room or rooms in which said machines are operated, an exhaust fan or other device of sufficient capacity to keep pure air circulating in said room, and to expel the poisonous metal fumes arising from said linotype machines.

SEC. 2. *Vent pipes.*—All newspaper and printing concerns operating in the State of Louisiana, using three or more linotype or other type machines shall be required to install vent pipes on each machine running from the metal pot to a flue or other aperture leading to the outside of the building.

SEC. 3. *Violations.*—The penalty for the violation of the provisions of this act shall be a fine of not less than $25, nor more than $100, or imprisonment not to exceed sixty days or both, in the discretion of the court for each offense; and every fifteen days that elapse without complying with the act will be deemed a separate offense.

ACT No. 240.—*Loans to employees—Rate of interest*

SECTION 1. *Maximum rate fixed.*—It shall be unlawful for any individual whether for his own account or for that of any other individual or corporation to lend or advance money to one of his employees, or to a laborer engaged in constructural, paving or other manual employment at a greater rate of interest than 8 per cent per annum, otherwise he shall be deemed guilty of a misdemeanor and upon the complaint of any victim or other person he shall be tried before a court of competent jurisdiction, and upon conviction shall be fined not less than $25 nor more than $100 or imprisoned for a period of not more than three months or both at the discretion of the court.

ACTS OF 1914

ACT No. 16.—*Protection of employees on street railways*

SECTIONS 1, 2. *Vestibules.*—[Each end of electric railway cars must be equipped with solid vestibules from September 1 to May 1 of each year.]

ACT No. 25.—*Payment of wages—Semimonthly pay day*

SECTION 1 (as amended 1918, No. 255). *Pay day.*—Every corporation, company, association, oil companies and mining companies, partnerships or individual persons, engaged in manufacturing of any kind in this State, or engaged in boring for oil and in mining operations, employing as many as ten (10) or more employees, and every public service corporation doing business in this State, shall be required to make full payment to employees for services performed, as often as once every two weeks or twice during each

calendar month, which pay days shall be two weeks apart as near as is practicable, and such payment or settlement shall include all amounts due for labor or services performed up to not more than seven days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment: *Provided*, That, except in cases of public service corporations, this act shall not apply to the clerical force or salesmen.

SEC. 2. *Violations.*—[Violations entail a fine, $25 to $250, or imprisonment not less than 10 days, or both, for each day's violation.]

This act is constitutional. State *v.* Cullom. 70 So. 338.

ACT No. 62.—*Termination of contract of employment—Forfeiting wages*

SECTION 1. *Contracts for forfeits forbidden.*—It shall hereafter be unlawful for any person, individual, firm or corporation acting either for themselves or as agents or otherwise to require any of their employees to sign contracts by which said employees shall forfeit their wages if discharged before the contract is completed or if said employees resign their employment before said contract is completed; but in all such cases said employees shall be entitled only to the wages actually earned up to the time of his discharge or resignation.

SEC. 2. *Fines.*—It shall be unlawful for any individual, person, firm or corporation, acting either for themselves or otherwise, to assess any fines against their employees or to deduct any sum as fines from the wages of said employees: *Provided*, That this section shall not apply in cases where the employees willfully or negligently damage goods or works or in cases where the employees willfully or negligently damage or break the property of the employers and in such cases the fines shall not exceed the actual damage done.

SEC. 3. *Violations.*—Any violation of this act shall be a misdemeanor and punishable by a fine of not less than $25 or more than $100 or imprisonment for at least 30 days or not more than 3 months, at the discretion of the court.

ACT No. 150.—*Street railways—Motormen and conductors to be experienced men*

SECTION 1. *Instruction required.*—No person shall act as motorman or conductor on any electric street railway in the State of Louisiana unless he shall have first received at least ten days' instruction under a competent instructor or instructors employed by the company in whose services he intends to enter.

SEC. 2. *Certificate.*—After receiving such instruction and found qualified the last instructor shall issue to such person a certificate of fitness showing his competency either as motorman or conductor.

SEC. 3. *Exceptions.*—This act shall not apply to bona fide experienced qualified motormen or conductors possessing written evidence of their qualifications and length of service from their last employers, which qualification must not be less than set out in section 1 hereof.

SEC. 4. *Instructors.*—Competent instructors under this act shall mean motormen or conductors who have been for at least one year in the service of the company that the applicant applies to.

SEC. 5. *Violations.*—[Fines of from $10 to $100, or imprisonment not more than 30 days, or both, are penalties for violations. In cities of less than 25,000, conductors and motormen shall have not less than 5 days' experience. The act does not apply during strikes.]

ACTS OF 1916

ACT No. 146.—*Factory, etc., regulations—Safety appliances*

SECTION 1. *Duty of employers.*—Any corporation, company, concern or other employer or any officer of any corporation, company, concern or other employer who shall knowingly fail to provide proper safeguards on machinery or who shall knowingly permit any defective machinery to remain in any factory or other place where workingmen are employed shall be guilty of a misdemeanor and shall be punished by a fine as provided in section two.

SEC. 2. *Violations.*—Any violator of this act shall be punished by a fine not exceeding five hundred dollars ($500) and not less than ten dollars ($10).

ACT No. 188.—*Coercion of employees—Company stores*

SECTION 1. *Coercion forbidden.*—It shall hereafter be unlawful for any person, individual, firm, or corporation acting either for themselves or as agents or otherwise to coerce or require any of their employees to deal with or purchase any article of food, clothing, or merchandise of any kind whatsoever from any individual, person, firm or corporation.

SEC. 2. *Same.*—It shall be unlawful for any individual, person, firm or corporation or employer of labor to exclude from work or to punish or blacklist any of said employees for failure to deal with another or to purchase any article of food, clothing or merchandise whatsoever from another or at any place whatsoever: *Provided, however,* That this act shall not apply to the sale and purchase of uniforms.

SEC. 3. *Penalty.*—Any violation of this act shall be a misdemeanor and punishable by a fine of not less than $50 or more than $100, or imprisonment for at least 30 days or not more than 90 days, or both, at the discretion of the court.

ACT No. 270.—*Employers' liability insurance—Deductions from wages for premiums*

SECTION 1. *Deducting premiums forbidden.*—It shall be unlawful for any person, firm or corporation, or his or its agent or representative, directly or indirectly, to deduct from the wages or other compensation of any employee of such person, firm or corporation, any contribution to pay, or toward the payment of, any premium or other charge of employer's liability insurance, or to demand, request or accept of any employee such contribution or payment for such purposes; or to demand or request of any employee that he or she make any payment or contribution for such purpose to any other person, firm or corporation.

SEC. 2. *Violations.*—[Violations incur penalty of not exceeding $500, or imprisonment not exceeding 1 year, or both.]

ACTS OF 1918

ACT No. 145.—*Private employment offices*

SECTIONS 1–3. *License.*—[The business of labor agencies includes all hiring for employment by another, and is under the supervision of the commissioner of labor and industrial statistics. An annual license fee of $500 is required, and a certificate of character from the judge of the district court of the parish; but if the agent is in a city or town and keeps a regular office and does not solicit outside in person or by agents, the fee is $25 per annum, as a license tax.]

The provision as to a certificate from the judge is reported by the commissioner to have been held unconstitutional. Tenth Bi. Rep., p. 12.

SEC. 4. *Bond.*—[Bond in the sum of $5,000, conditioned on the payment of all damages resulting from his actions as labor agent must also be given.]

SECS. 5–8. *Violations; scope, etc.*—[Penalties for violations are fines, $100 to $500, or imprisonment, 10 to 90 days, or both. The act does not apply to the employment of labor to cultivate or harvest farm products. The different provisions are declared severable.]

ACT No. 158.—*Seats for female employees—Elevator operators*

SECTION 1. *Duty of owners, etc.*—Every owner, manager, or agent of any place of business wherein or whereon an elevator is installed for the carrying of persons, goods, wares, and merchandise shall provide for the convenience of the female operator of said elevator, while on duty proper seating or resting accommodations.

SEC. 2. *Violations.*—The violation of this act on the part of any owner, manager or agent as herein provided shall be a misdemeanor punishable before the court of proper jurisdiction by a fine of not to exceed $25, or imprisonment not to exceed ten days.

ACT No. 276.—*Factory, etc., regulations—Fire escapes*

SECTION 1. *Scope of law.*—* * * Every factory, mill, manufactory or workshop, * * * building three stories and over in height used or occupied as a store or workroom * * * shall be provided with such good and

sufficient fire escapes, stairways, suitable inclosures and other means that will afford safe means of egress in case of fire. [Details of construction, pitch, dimensions, etc., are given.]

SEC. 2. *Enforcement.*—[The State labor commissioner is to direct the installation of fire escapes except where he deems them unnecessary on account of adequate provisions already existing. The State fire marshal approves types to be used.]

SEC. 3. *Adjacent owners' refusal.*—[If the use of adjacent property is necessary for the erection of an outside escape, and permission for such use is refused, an inside escape may be erected under the direction of the labor commissioner.]

ACTS OF 1920

ACT NO. 108.—*Bribery of employees*

SECTION 1. *Gifts forbidden.*—It shall be unlawful for any person to give, offer or promise to any agent, employee or servant, or to a member of his family, or to anyone for his use or benefit, either directly or indirectly, any gift or gratuity whatever, or any commission, discount or bonus, without the knowledge and consent of the principal, employer, or master of such agent, employee, or servant, with intent to influence his action in relation to his principal's, employer's or master's business.

SEC. 2. *Receiving gifts.*—It shall be unlawful for an agent, employee or servant, without the knowledge and consent of his principal, employer or master, to request or accept, either directly or indirectly, a gift or gratuity or a promise to make a gift or do an act beneficial to himself, or any commission, discount or bonus under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business.

SEC. 3. *Purchasing agents.*—It shall be unlawful for an agent, employee or servant who is authorized to procure materials, supplies or other articles either by purchasing or by contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, to receive either directly or indirectly, for himself or for another, any gift or gratuity, commission, discount or bonus from the person who makes such sale or contract or furnishes such materials, supplies or other articles, or from a person who renders such service or labor.

SEC. 4. *Sellers not to make gifts.*—It shall be unlawful for any person who makes a sale or contract to furnish materials, supplies or other articles or who furnishes or agrees to furnish service or labor, to give or offer to an agent, employee or servant who is authorized to so procure such materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, or to a member of his family, or to anyone for his use or benefit, either directly or indirectly, any gift or gratuity, commission, discount or bonus.

SEC. 5. *Custom not a defense.*—Evidence shall not be admissible in any proceeding or prosecution under this act to show that any such gift, gratuity, commission, discount or bonus as mentioned in this act is customary in any business, trade or calling, nor shall the customary nature of such gift, gratuity, commission, discount or bonus be any defense in such proceeding or prosecution.

SEC. 6. *Witnesses to testify.*—In any proceeding or prosecution under this act, no person shall be excused from attending and testifying, or from producing documentary evidence, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify, or produce evidence, documentary or otherwise, in obedience to a subpœna: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 7. *Reporting offenses.*—Any person guilty of an offense within the purview of this act who shall report the facts, under oath, within six months after committing such offense, to any prosecuting attorney, shall be granted full immunity from prosecution under this act in respect of the particular offense reported.

SEC. 8. *Violations.*—[Penalty for violations is a fine, $10 to $500, or imprisonment not exceeding 1 year, or both.]

SEC. 9. *Definition.*—The word "person" used in this act shall be held to include corporations, partnerships, associations and other organizations.

SEC. 10. *Corporations, etc.*—If a corporation, partnership, association or other organization is guilty of a violation of this act, the person or persons through whom the corporation, partnership, association or other organization acts shall also be deemed guilty and punished as herein provided.

ACT NO. 150.—*Payment of wages—Discharged employees*

SECTION 1. *Payment required.*—It shall be the duty of every person, individual, firm or corporation employing laborers or other persons of any kind whatever when they have discharged said laborer or other employee, to within twenty-four hours after discharged pay the laborer or employee the amount due him or them under the terms of his or their employment, whether by the day, week, or month, upon demand being made by the said discharged laborer or employee, upon his employer, at the place where said employee or laborer is usually paid.

SEC. 2. *Violations.*—Any individual, firm, person or corporation employing laborers or others in this State who shall fail or refuse to comply with the provisions of section 1 of this act, shall be liable to the said laborer or other employee for his full wages from the time of such demand for payment by the discharged laborer or employee until the said person, firm or corporation shall pay or tender payment to the amount due such laborer or other employee.

ACTS OF 1921—EXTRA SESSION

ACT NO. 98.—*Free public employment offices*

SECTION 1. *Bureaus to be established.*—From and after the passage of this act there shall be established, created, maintained, and operated by the State of Louisiana, under the supervision of the commission of labor and industrial statistics, free employment bureaus, the same to be located at such points as may be hereafter designated by the commissioner of labor and industrial statistics.

SEC. 2. *Lists.*—It shall be the duty of the commissioner of labor and industrial statistics and his assistants to file and keep a correct list of all persons seeking employment, listing all such persons under their respective trades and occupations, and [they] shall use all reasonable means to secure employment for such applicants. It shall be the duty of the commissioner of labor and industrial statistics and his assistants to keep a correct file of all employers seeking help, and every reasonable means will be used to secure said employers such help as may be requested.

SEC. 3. *Qualifications of applicants.*—For the purpose of conserving labor in the State and preventing a useless turnover of labor, and to prevent, as far as possible, the unnecessary expenditure of money to both employer and employee, the commissioner of labor and industrial statistics is hereby enjoined to ascertain as far as possible the fitness of the applicant seeking work and the reliability of employers seeking help.

SEC. 4. *Blanks.*—The commissioner of labor and industrial statistics shall formulate and have printed such application blanks as may be necessary for use by both employer and employee, and the same shall be furnished free upon application being made for same.

SEC. 5. *Fees.*—No fees of any kind whatsoever shall be collected or charges made for any service performed in the interest of the workers or employers, and every employer and every person seeking employment in the State of Louisiana shall be permitted to enjoy the full benefits of said free employment bureaus without cost.

SEC. 6. *Violations.*—[Violations are punishable by fines, $5 to $25, or imprisonment 5 to 20 days, or both.]

ACTS OF 1922

ACT NO. 117.—*Employment of children—School attendance*

SECTIONS 1–3. *Requirement.*—[Children under 14 must attend school 140 days per year, or the full term if less. Excused, among others, are those whose services are needed to support widowed mothers.]

MAINE

REVISED STATUTES—1916

CHAPTER 16.—*Employment of children—Enforcement of law*

SECTION 68. *Truant officers.*—[Truant officers, under the direction of the school authorities, may enter any place of employment to discover whether children under 14 are employed therein. They may also inspect the permits required for the employment of children above 14 years of age, which employers are required to produce if requested so to do.]

CHAPTER 19.—*Occupational diseases—Reports*

SECTION 19. *Cases to be reported.*—Every physician attending upon or called to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed air illness, or any other ailment or disease contracted as a result of such person's occupation or employment, shall, within ten days after his first attendance upon such person, send to the State board of health a written notice, stating the name, post-office address and place of employment of such person, the nature of the occupation and the disease or ailment from which, in the opinion of the physician, the person is suffering, with such other specific information as may be required by the board.

SEC. 21. *Penalty.*—[Failure of the physician to comply is to be punished by a fine of not less than $5 nor more than $10.]

CHAPTER 19.—*Vaccination of employees in paper mills*

SECTION 102. *Vaccination required.*—No owner, agent, or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

SEC. 103. *Same subject.*—No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

SEC. 104. *List of employees.*—The owner, agent and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local board of health, a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

SEC. 105. *Examination.*—In the months of March and October, annually, each and every person who is employed in a paper mill, shall be examined by the local board of health as to whether he or she is successfully and sufficiently protected by vaccination, and the local board of health shall in all cases be the judges of the sufficiency of the protection by vaccination.

SEC. 106. *Penalty.*—Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than fifty dollars.

CHAPTER 23.—*Steam boilers—Safety provisions*

SECTION 22. *Safety plugs.*—No person or corporation shall manufacture, sell, use, or cause to be used, except as hereinafter provided, any steam boiler in the State unless it is provided with a fusible safety plug, made of lead for boilers carrying steam pressure above fifty pounds per square inch, and of tin for boilers carrying steam pressure of fifty pounds and less per square inch, and said safety plug shall be not less than one-half inch in diameter, and shall be placed in the roof of the fire-box when the fire-box is used, and in all cases shall be placed in the part of the boiler fully exposed to the action of the fire, and as near the surface line of the water as good judgment shall dictate, excepting in cases of upright tubular boilers, when the upper tube sheet is placed above the surface line of the water, which class of boilers shall be exempted from the provisions of this section.

SEC. 23. *Violation.*—If any person without just and proper cause removes from the boiler the safety plug, or substitutes any material more capable of resisting the action of the fire, or if any person or corporation uses or causes to be used, for six consecutive days, or manufactures or sells a steam boiler of a class not exempted from the provisions of the preceding section, unprovided with such safety fusible plug, such offender shall be fined not exceeding one thousand dollars.

CHAPTER 30.—*Factory, etc., regulations*

SECTION 38 (as amended by chapter 194, Acts of 1909). *Egress in case of fire.*— * * * Every building in which any trade, manufacture, or business is carried on, requiring the presence of workmen above the first story, * * * shall at all times be provided with proper egresses or other means of escape from fire sufficient for the use of all persons * * * employed * * * therein. These egresses and means of escape shall be kept unobstructed, in good repair and ready for use, the sufficiency thereof shall be determined as provided in the following section.

SECS. 39, 46. *Inspection.*—[The duty of inspection devolves on the local authorities; if complaint is made to the State factory inspector of failure on their part to discharge their duties, he shall investigate the complaint, and, if the facts warrant, institute proceedings to enforce the law.]

CHAPTER 42.—*Private employment offices*

SECTION 6 (as amended 1917, ch. 139). *License.*—[No one may conduct an employment office without a license from the municipal authorities, for which an annual fee of $25 must be paid. The license is valid only for the place designated, but may be transferred by complying with the terms prescribed. No agency may be conducted in a building used as an inn, lodging house, or boarding house.]

SEC. 7. *Bond.*—[Bond in the sum of $1,000 must be provided, conditioned on compliance with the law and to protect persons claiming damages for the misconduct of the licensee.]

SEC. 8. *Register.*—[A correct register must be kept of all applicants for employment, of employers to whom they are sent, date, fee paid, etc.]

SEC. 9. *Receipts, fees.*—[Receipts must be given for all fees paid by applicants, which shall not exceed $1 if paid in advance, or $1.25 if charged to the applicant. If no position is obtained within six days, the fee paid or charged must, on demand, be repaid or canceled, as the case may be, if the applicant has broken no agreement made with the agency. The employee must be furnished an identification card. No licensee may seek to induce an employee to leave employment with a view to placement through his agency.]

SEC. 10. *Acts forbidden.*—[No female may be sent to any immoral resort or place of bad repute, known by the licensee to be such. Persons of questionable character are not to be permitted to frequent the agency. Employment contrary to law may not be procured for children.]

SEC. 11. *Enforcement.*—[Enforcement rests with the licensing officials. Licenses may be refused or revoked for cause, and revocation is good ground for a reissue to the former licensee or any one associated with him. Provision is made for hearings on complaints, but the decision of the municipal officials is final.]

SEC. 12. *Violations.*—[Penalties for violations are fines not exceeding $25, and costs.]

CHAPTER 49.—*Arbitration, etc., of labor disputes—State boards*

SECTION 1. *State board.*—The State board of arbitration and conciliation as heretofore established shall consist of three members appointed by the governor, with the advice and consent of the council, from time to time upon the expiration of the terms of the several members, for terms of three years. One member shall be an employer of labor or selected from some association representing employers of labor, and another shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor. Vacancies occurring during a term shall be filled for the unexpired term. The board shall hold a meeting on the third Wednesday of September in each year and shall organize by choosing from its members

a chairman and secretary. It shall be the duty of the board to endeavor to settle disputes, strikes, and lockouts between employers and employees. The board shall from time to time make such rules of procedure as it deems necessary, and shall annually, on or before the first day of December, make a report to the governor and council, which shall be incorporated in and printed with the biennial report of the department of labor and industry.

SEC. 2. *Notice of strike; investigation.*—Whenever it appears to the mayor of a city or the selectmen of a town that a strike is seriously threatened, or a strike actually occurs, he or they shall at once notify the State board of arbitration and conciliation and such notification may also be given by the employer or employees actually concerned in the strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as ten employees are directly concerned therein, the State board of arbitration and conciliation shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade such employer and employees to submit the matter in controversy to a local board of arbitration and conciliation or to the State board. If the matter be submitted, the board to which it is submitted shall investigate such controversy and ascertain which party is mainly responsible or blameworthy for the existence of the same, and the board may make and publish a report finding such cause and assigning such responsibility or blame. The State board shall, upon request of the governor, investigate and report upon any controversy if in his opinion it threatens to affect the public welfare.

SEC. 3. *Inquiry; decision.*—In any controversy where not less than ten employees are directly concerned the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and the board may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof, which shall at once be made public, shall be open to public inspection, and shall be recorded by the secretary of the board; said decision shall for six months be binding on the parties who join in the application or until the expiration of sixty days after either party has given notice to the other in writing of his intention not to be bound thereby; such notice may be given to the employees by posting it in three conspicuous places in the shop, factory, yard, or other place where they work.

SEC. 4. *Application for inquiry.*—The application for such inquiry may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their duly authorized agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized to do so. The application shall contain a statement of the matter in controversy and a promise to continue in business or at work without any strike or lockout until the decision of the board, if such decision is made within three weeks after the date of filing the application. The secretary of the board shall forthwith after such filing cause public notice to be given of the time and place of hearing on the application, unless both parties join in the application and present therewith the written request that no public notice shall be given. If such request is made, notice shall be given to the parties in such a manner as the board shall order, and the board may give public notice notwithstanding such request.

SEC. 5. *Authority to summon witnesses, etc.*—The board may summon as witnesses any operative or any person who keeps the record of wages earned in the department of business in which the controversy exists and may require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed the same fees as are paid to witnesses in the supreme judicial court: these fees together with all necessary expenses of the board shall be paid by the treasurer of State on warrants drawn by the governor and council.

SEC. 6. *Local boards.*—The parties to any controversy described in section three may submit such controversy to a local board of arbitration and conciliation, which may be either mutually agreed upon or may be composed of three persons, one of whom shall be designated by the employer, one by the em-

ployees or their duly authorized agent; the third, who shall be chairman, by the other two; such board shall have all the powers exercised by the State board, and its decision shall have the same effect as that of the State board. The decision of said board shall be rendered within ten days after the close of any hearing held by it and shall at once be filed with the clerk of the municipality where the controversy arose, and a copy thereof shall be filed with the secretary of the State board by the clerk of the said municipality. Each of said arbitrators shall be entitled to receive three dollars for each day of actual service, to be paid by the treasurer of State on a warrant drawn by the governor and council.

Chapter 49.—*Department of labor and industry*

Section 9 (as amended 1919, ch. 231). *Department continued.*—A State department of labor and industry shall be maintained under the direction of an officer whose title shall be commissioner of labor and industry and State factory inspector. He shall be appointed by the governor, with the advice and consent of the council, for a term of three years, and shall hold office until his successor is appointed and qualified. He shall have an office in the State capitol. He shall appoint a deputy who shall be clerk of the department and deputy State factory inspector, and shall hold office during the pleasure of the commissioner; he shall also appoint a stenographer for the department and a woman factory inspector, and may employ special agents and such other assistants as may be required for the work of the department. The special agents and other assistants shall work under the supervision and direction of the commissioner and shall be paid for their services such compensation as he may deem proper, not exceeding five dollars a day and necessary traveling expenses. All expenses of the department shall be audited by the State auditor and shall be payable upon proper vouchers certified by the commissioner.

Sec. 10. *Duties.*—The department shall collect, assort, and arrange statistical details relating to all departments of labor and industrial pursuits in the State; to trade-unions and other labor organizations and their effect upon labor and capital; to the number and character of industrial accidents and their effect upon the injured, their dependent relatives, and upon the general public; to other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions prevailing within the State, including the names of firms, companies, or corporations, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees, classified according to age and sex, and the daily and average wages paid each employee, and the exploitation of such other subjects as will tend to promote the permanent prosperity of the industries of the State. The commissioner of labor and industry shall cause to be enforced all laws regulating the employment of minors and women; all laws established for the protection of health, lives, and limbs of operators in workshops and factories, on railroads, and in other places; all laws regulating the payment of wages, and all laws enacted for the protection of the working classes. He shall, on or before the first day of January, biennially, report to the governor, and may make such suggestions and recommendations as he may deem necessary for the information of the legislature. He may from time to time cause to be printed and distributed bulletins upon any subject that shall be of public interest and benefit to the State.

Sec. 11. *Question blanks.*—The commissioner may furnish a written or printed list of interrogatories for the purpose of gathering such facts and statistics as are contemplated herein, to any person or the proper officer of any corporation operating within the State, and may require full and complete answers thereto under oath; the commissioner shall have a seal, and may take and preserve testimony, issue subpœnas, administer oaths, and examine witnesses under oath in all matters relating to the duties herein required of said department of labor and industry; such testimony shall be taken in some suitable place in the vicinity to which the testimony is applicable. Witnesses summoned and testifying before the commissioner shall be paid, from any funds at disposal of the department, the same fees as witnesses before the supreme judicial court. Whoever, being duly summoned under the provisions of this section, shall willfully neglect or refuse to attend, or refuse to answer any question propounded to him concerning the subject of such examination as provided in this section, or whoever, being furnished by the commissioner with a written or printed list of interrogatories, shall neglect or refuse to answer and return

the same under oath, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment: *Provided, however*, That no witness shall be compelled to go outside of the county in which he resides to testify. In the report of said department no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section unless by written permission, such information being confidential and not for the purpose of disclosing personal affairs.

SEC. 12. *Entering work places.*—The commissioner, as State factory inspector, and any authorized agent of the department of labor and industry may enter any factory or mill, workshop, private works, or State institutions which have shops or factories when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this section and the two preceding sections, and may examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places and may make a record of such inspection. Whoever shall refuse to admit or shall unreasonably delay the commissioner, or any authorized agent of the department of labor and industry, in so entering, or shall refuse to give the information so desired by said commissioner or authorized agent, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment in the discretion of the court. If the commissioner as State factory inspector, or any authorized agent of the department of labor and industry, shall find upon such inspection that the heating, lighting, ventilation, or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed or residing therein or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs, and machinery in such workshops and factories are located or are in a condition so as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures, filled with molten metal or hot liquids, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify, in writing, the owner, proprietor, or agent of such workshops or factories to make, within thirty days, the alterations or additions by him deemed necessary for the safety and protection of the employees; and if such alterations or additions are not made within thirty days from the date of such written notice, or within such time as said alterations or additions can be made with proper diligence upon the part of such proprietors, owners, or agents, said proprietors, owners or agents so notified shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five, nor more than two hundred dollars, or by imprisonment not more than thirty days, or by both such fine and imprisonment at the discretion of the court. All fines or penalties provided in this section and the preceding section may be recovered or enforced by complaint or indictment; and in all prosecutions under said sections, trial justices and judges of the municipal and police courts, within their counties, shall have, by complaint, original and concurrent jurisdiction with the supreme judicial court and superior courts.

SEC. 13. *Terms defined.*—The following terms used in the four preceding sections shall have the following meanings: The word "person" means an individual, corporation, partnership, company or association. The word "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The word "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control; provided, however, that the exercise of such manual labor in a private house, or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The aforesaid terms shall have the meanings above defined for them respectively in all laws of this State relating to the employment of labor, unless a different meaning is plainly required by the context.

SEC. 14. *Municipal officers to furnish information.*—All State, county, city and town officers are hereby directed to furnish the commissioner of labor

and industry upon his request, such statistical or other information contemplated by sections ten, eleven and twelve as shall be in their possession as such officers.

Sec. 15. *Reports required.*—The person in charge of any factory, workshop or other industrial establishment shall report in writing to the commissioner of labor all deaths, accidents, or serious physical injuries sustained by any person therein or on the premises, within ten days after the time of the accident, death or injury, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Sec. 16. *Definition.*—The term "serious physical injuries," as used in this act, shall be construed to mean every accident which results in the death of the employee or causes his absence from work for at least six days thereafter.

Chapter 49.—*Employment of children*

Section 20 (as amended 1919, ch. 190). *Age.*—[No children under 14 may be employed in or about any manufacturing or mechanical establishment; nor under 15 in any business whatever for hire during school hours.]

Sec. 21 (as amended 1919, ch. 190). *Certificates.*—[Certificates are required up to age 16 for employment in manufacturing and mechanical establishments, issued by the school authorities, showing age, the completion of the 6th grade of school work, and, in doubtful cases, a medical certificate of physical fitness for the work contemplated.]

Sec. 22. *Vacation permits.*—[Vacation permits, void after the first Monday in September after issue, may be granted on the same terms as above, omitting the educational requirements.]

Sec. 23 (as amended 1919, ch. 190). *Inspection by commissioner.*—[Within twenty-four hours after issue, a duplicate of permits, with the papers in the case, must be sent to the department of labor and industry, where the papers are inspected and returned to be held by the issuing officer during the life of the permit, and surrendered on its return and cancellation.]

Sec. 24. *End of employment.*—[Certificates on file with an employer are returned to the child when employment ceases, and the employer must notify the commissioner of its close.]

Secs. 25, 26. *Evidence.*—[Records and permits are receivable as evidence in any matter arising under the law. An inspector may demand evidence of age of an employed child apparently under 16, or require dismissal.]

Secs. 27, 28. *Violations.*—[Penalties run against the employers and parents or guardians for violations of the law, fines against employers ranging from $25 to $200, and against parents, etc., from $10 to $50.]

Chapter 49.—*Seats for female employees*

Section 32. *Chairs for women or girls.*—The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein in this State shall provide chairs, stools or other contrivances for the comfortable use of such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties. Whoever violates this section shall be punished by a fine of not less than ten, nor more than one hundred dollars.

Chapter 49.—*Elevator operators*

Section 33. *Age, etc.*—No person, firm or corporation shall employ or permit any person under fifteen years of age to have the care, custody, management or operation of any elevator, or shall employ a person under eighteen years of age to have the care, custody, management or operation of any elevator running at a speed of over two hundred feet a minute. Whoever violates this section shall be punished by a fine of not less than twenty-five, nor more than one hundred dollars, for each offense.

CHAPTER 49.—*Weekly payment of wages—Discharge*

SECTION 34. *Weekly payment.*—Every corporation, person or partnership, engaged in a manufacturing, mechanical, mining, quarrying, mercantile, street railway, telegraph or telephone business; in any of the building trades; upon public works, or in the construction or repair of street railroads, roads, bridges, sewers, gas, water or electric light works, pipes or lines; every incorporated express company or water company; and every steam railroad company or corporation shall pay weekly each employee engaged in his or its business the wages earned by him to within eight days of the date of said payment, but any employee, leaving his or her employment, shall be paid in full on the following regular pay day, provided, that when an employee is discharged he shall be paid the wages due him on demand; and the State, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every county and city shall so pay every employee who is eugaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee engaged in cutting and hauling logs and lumber, nor the driving of same until it reaches its place of destination for sale or manufacture; nor to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporatiou to pay him weekly. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten, nor more than fifty dollars.

SEC. 35. *Notice of termination of employment.*—Any person, firm or corporation engaged in any manufacturing or mechauical business, may contract with adult or minor employees to give one week's notice of intention on such employee's part, to quit such employment under a peualty of forfeiture of one week's wages. In such case, the employer shall be required to give a like notice of intention to discharge the employee; and on failure, shall pay to such employee, a sum equal to one week's wages. No such forfeiture shall be enforced when the leaving or discharge of the employee is for a reasonable cause: *Provided, however*, that the enforcement of the penalty aforesaid, shall not prevent either party from recovering damages for a breach of the contract of hire.

An employee does not incur forfeiture by leaving without notice on account of reduction of wages. Nor does an employer incur forfeiture by reducing wages without notice. 39 Atl. 280.

CHAPTER 49.—*Preference of local labor, etc., on public works*

SECTION 36. *Preference to be given.*—The State, counties, cities and towns, aud every charitable or educational institution which is supported in whole or in part by aid granted by the State or by any municipality, shall in the awarding of contracts for constructing, altering, repairing, furnishing or equipping its buildings, or public works, give preference to workmen and to bidders for such contracts who are residents of this State, provided the bids submitted by such resident bidders are equally favorable with bids submitted by contractors from without the State. * * *

CHAPTER 50.—*Liability of employers for injuries to employees*

SECTION 51. [The following sections are as renumbered 1919, ch. 238.] *Liability defined.*—If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of:

First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or,

Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence aud whose sole or principal duty was that of superiutendence, or in the absence of such superintendent, of a person acting as superinteudent with the authority or consent of such employer;

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad.

The employee or his legal representatives shall, subject to the provisions of the eight following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as a part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause.

SEC. 52. *Action for damages for death.*—If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury.

SEC. 53. *Action by widow or next of kin.*—If, as the result of the negligence of an employer himself, or of a person for whose negligence an employer is liable under the provisions of section fifty-one, an employee is instantly killed, or dies without conscious suffering, his widow or, if he leaves no widow, his next of kin, who, at the time of his death, were dependent upon his wages for support, shall have a right of action for damages against the employer.

SEC. 54. *Damages for death.*—If, under the provisions of either of the two preceding sections, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

The amount of damages which may be awarded in an action under the provisions of section fifty-one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section fifty-two, shall not exceed four thousand dollars.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section fifty-two, shall not exceed five thousand dollars for both the injury and the death, and shall be apportioned by the jury between the legal representatives of the employee and the persons who would have been entitled, under the provisions of section fifty-three, to bring an action for his death if it had been instantaneous or without conscious suffering.

The amount of damages which may be awarded in an action brought under the provisions of section fifty-three shall not be less than five hundred nor more than five thousand dollars.

SEC. 55. *Notice of injury; action.*—No action for the recovery of damages for injury or death under the provisions of sections fifty-one to fifty-four, both inclusive, shall be maintained unless notice of the time, place, and cause of the injury is given to the employer within sixty days and the action is commenced within one year after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured, or by a person in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies without having given the notice and without having been for ten days at any time after his injury of sufficient capacity to give it, his executor or administrator may give such notice within sixty days after his appointment. A notice given under the provisions of this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place, or cause of the injury, if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby.

If a notice given under this section is claimed by the employer to be insufficient for any reason he shall so notify in writing the person giving it within

ten days stating the insufficiency claimed to exist, and thereupon the person whose duty is to give the notice may, within thirty days, give a new notice with the same effect as if originally given.

Sec. 56. *Contracts with independent contractor.*—If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

Sec. 57. *Knowledge of employee.*—An employee or his legal representatives shall not be entitled under the provisions of sections fifty-one to fifty-four, both inclusive, to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who was intrusted with general superintendence.

Sec. 58. *Application limited.*—The provisions of the seven preceding sections shall not apply to injuries caused to domestic servants or farm laborers by fellow employees, or to those engaged in cutting, hauling, or driving logs. Nothing in said sections shall be construed to abridge any common-law rights or remedies which the employee may have against his employer, but a judgment recovered under the provisions of said sections, or a settlement of any action commenced or claim made for death or injury, under the provisions thereof, shall be a bar to any claim made or action begun to recover for the same injury or the same death, under the provisions of the common law or under the provisions of any other statute.

Sec. 59. *Waivers.*—No person shall, by a special contract with his employees, exempt himself or another person from liability which he may be under to them, for injuries suffered by them in his employment and resulting from the negligence of the employer or such other person, or of a person in his employ.

Chapter 52.—*Employees' deposits*

Section 3. *License.*—[Corporations which desire to encourage thrift among their employees may procure licenses from the bank commissioner authorizing them, on a showing of solvency, etc., to receive deposits from their employees only, and pay interest thereon.]

Chapter 55.—*Accidents on railroads, etc.*

Section 35. *Report and investigation.*—[Public utilities must report to the public utilities commission of the State all accidents causing personal injury or loss of life. The former may and the latter must be investigated by recommendations in the premises as it deems just and reasonable.]

Chapter 58.—*Protection of employees on street railways*

Section 37. *Inclosed platforms.*—[Street cars in regular use for the transportation of passengers from December to March, inclusive, must have their platforms inclosed so as to protect employees from wind and weather.]

Sec. 38. *Violations.*—[A fine not exceeding $100 may be imposed for each day's neglect to comply with the foregoing requirements.]

Chapter 75.—*Wages—Preference—Exemptions*

Section 42. *Insolvency.*—[In paying debts of an insolvent, wages owed operatives, clerks, and servants, earned within the prior 6 months, not exceeding $50, rank next after court fees and costs and debts and taxes owed the State and the United States.]

Sec. 68. *Exemptions.*—[The wages due an insolvent debtor for one month preceding service of process, not exceeding $20 in amount, may not be attached for prior debts.]

CHAPTER 87.—*Hours of labor*

SECTION 61. *Legal day's work.*—In all contracts for labor ten hours of actual labor are a legal day's work, unless the contract stipulates for a longer time; but this rule does not apply to monthly labor or to agricultural employments.

CHAPTER 91.—*Exemption of wages from garnishment*

SECTION 55 * * * VI (as amended 1923, ch. 125). *Amount.*—[Wages in the amount of $20 for the personal labor of the debtor are exempt from attachment; also all wages of the debtor's wife and minor children. If process has been served, the trustee shall nevertheless pay over to the employee the amount exempt from attachment.]

CHAPTER 114.—*Assignments of wages to be recorded*

SECTION 9. *Recording required.*—No assignment of wages is valid other than as to the parties to the assignment unless recorded by the clerk of the town or the register of deeds.

CHAPTER 117.—*Department of labor and industries—Salaries*

SECTION 22 (as amended 1919, ch. 231). *Salary, etc.*—The commissioner of labor and industry and State factory inspector shall receive an annual salary of two thousand dollars; the commissioner and the deputy State factory inspector shall also receive their actual traveling expenses.

CHAPTER 120.—*Employment of children in mendicant occupations*

SECTION 32. *Prohibited.*—[Children under 16 may not be employed in begging, or in illegal, immoral, or dangerous or injurious occupations.]

CHAPTER 125.—*Strikes of railroad employees*

SECTION 7. *Delaying or abandoning trains, etc.*—Any employee of a railroad corporation who, in pursuance of an agreement or combination by two or more persons to do, or procure to be done, any act in contemplation or furtherance of a dispute between such corporation and its employees, unlawfully or in violation of his duty or contract, stops or unnecessarily delays or abandons, or in any way injures a locomotive or any car or train of cars on the railroad track of such corporation, or in any way hinders or obstructs the use of any locomotive, car or train of cars on the railroad of such corporation, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the State prison or in jail not exceeding one year.

SEC. 8. *Obstructing etc., trains.*—Whoever, by any unlawful act, or by any willful omission or neglect, obstructs or causes to be obstructed an engine or carriage on any railroad, or aids or assists therein; or whoever, having charge of any locomotive or carriage while upon or in use on any railroad, willfully stops, leaves, or abandons the same, or renders, or aids, or assists in rendering the same unfit for or incapable of immediate use, with intent thereby to hinder, delay, or in any manner to obstruct or injure the management and operation of any railroad, or the business of any corporation operating or owning the same, or of any other corporation or person, and whoever aids or assists therein, shall be punished by fine not exceeding one thousand dollars, or imprisonment in the State prison or in jail not exceeding two years.

SEC. 9. *Gross negligence.*—Whoever, having any management of, or control, either alone or with others, over any railroad locomotive, car, or train while it is used for the carriage of persons or property, or is at any time guilty of gross carelessness or neglect thereon, or in relation to the management or control thereof; or maliciously stops or delays the same, in violation of the rules and regulations then in force for the operation thereof; or abstracts therefrom the tools or appliances pertaining thereto, with intent thereby maliciously to delay the same, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the State prison or in jail not exceeding three years.

SEC. 10. *Intimidation, bribery, etc.*—Whoever, alone, or in pursuance of furtherance of any agreement or combination with others, to do, or procure to be

done, any act in comtemplation or furtherance of a dispute or controversy between a gas, telegraph, telephone, electric light, electric power, or railroad corporation and its employees or workmen, wrongfully and without legal authority, uses violence towards, or intimidates any person, in any way or by any means, with intent thereby to compel such person against his will to do, or abstain from doing, any act which he has a legal right to do or abstain from doing; or, on the premises of such corporation, by bribery, or in any manner or by any means, induces, or endeavors, or attempts to induce, such person to leave the employment and service of such corporation with intent thereby to further the objects of such combination or agreement; or in any way interferes with such person while in the performance of his duty; or threatens or persistently follows such person in a disorderly manner, or injures or threatens to injure his property with either of said intents, shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding three months.

Sec. 11. *Refusing to move cars of another road.*—Any person in the employment of a railroad corporation, who, in furtherance of the interests of either party to a dispute between another railroad corporation and its employees, refuses to aid in moving the cars of such other corporation, or trains in whole or in part made up of the cars of such other corporation, over the tracks of the corporation employing him; or refuses to aid in loading or discharging such cars, in violation of his duty as such employee, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the State prison or in jail not exceeding one year.

Chapter 128.—*Intimidation of employees*

Section 25. *Preventing employment.*—Any employer, employee, or other person, who by threats of injury, intimidation, or force, alone or in combination with others, prevents any person from entering into, continuing in, or leaving the employment of any person, firm, or corporation, shall be punished by imprisonment for not more than two years, or by fine not exceeding five hundred dollars.

Hours of labor of women and children

(P. 1650. Acts of 1915, ch. 350)

Section 1 (as amended 1923, ch. 198). *Work time.*—No female shall be employed in any workshop, factory, manufacturing or mechanical establishment or laundry more than nine hours in any one day; except when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four in a week. And no minor under sixteen years of age shall be employed in any of the said establishments or occupations more than eight hours in any one day.

Sec. 2 (as amended 1919, ch. 191). *Night work.*—No minor under sixteen years of age shall be employed or permitted to work in or in connection with any of the establishments or occupations named in section one of this act, or in any bowling alley or pool room, before the hour of six-thirty o'clock in the morning or after the hour of six o'clock in the evening of any one day.

Sec. 3. *Hours of labor in mercantile establishments, offices, etc.*—No male minor under sixteen years of age and no female shall be employed in any telephone exchange employing more than three operators or in any mercantile establishment, store, restaurant, telegraph office, or by any express or transportation company in the State of Maine more than fifty-four hours in any one week. The provisions of this section shall not apply between the seventeenth day of December and the twenty-fourth day of December, both inclusive, and shall not apply during the eight days prior to Easter Sunday to persons employed in millinery shops or stores. In cases of emergency, in which there is danger to property, life, public safety or public health, and in cases of extraordinary public requirement the provisions of this act shall not apply to employers [employees] engaged in public service.

Sec. 4. *Time for meals.*—No female shall, except in cases of emergency or extraordinary public requirement as provided in section three of this act, be employed or permitted to work for more than six hours continuously at one time in any establishment or occupation named in sections one and three of this act in which three or more such females are employed without an interval of at least one hour; except that such female may be so employed for not more than six and one-half hours continuously at one time if such employment ends not later than half-past one o'clock in the afternoon and if she is then dismissed for the remainder of the day.

SEC. 5. *Law to be posted.*—Every employer except those hereinafter designated, shall post and keep posted in a conspicuous place in every room in any establishment or place of occupation named in sections one and three of this act in which females or male minors under sixteen years of age are employed, a printed notice stating the number of hours such females or male minors are required or permitted to work on each day of the week, the hours of beginning and ending, and the recess allowed for meals: *Provided, however*, That every employer engaged in furnishing public service or in any other kind of business in respect to which the State department of labor and industry shall find that public necessity or convenience requires the employment of women or male minors as aforesaid by shifts during different periods or parts of the day shall post in a conspicuous place in every room in which such presons are employed, a printed notice stating separately the hours of employment for each shift or hour of duty, and the amount of time allowed for meals. The printed form of such notice shall be furnished by the commissioner of labor and industry and State factory inspector.

The employment of any such female or male minor for a longer time in any day than that stated in the printed notice, or, in case the hours named in such notice are less than as provided in sections one and three of this act, the employment of any such female or male minor for a longer time in any day than as provided in sections one and three of this act shall be deemed a violation of the provisions of this section except in cases of emergency or extraordinary public requirement as provided in section three of this act, and in such cases no employment in excess of the hours authorized under the provisions of this act shall be considered as legalized until a written report of the day and hour of its occurrence and its duration is sent to the commissioner of labor and industry and State factory inspector. Whenever the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females or male minors employed, the commissioner of labor and industry and State factory inspector may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females or male minors are required or permitted to work on each day of the week, and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises, and exhibited to the commissioner of labor and industry and State factory inspector, his deputy, or any authorized agent of the labor department, who is hereby authorized to enforce this act.

SEC. 6. *Records.*—Every employer shall keep a time book or record for every female and every male minor under sixteen years of age employed in any establishment or occupation named in sections one and three of this act, stating the number of hours worked by each female and each male minor under sixteen years of age on each day of the week. Such time book or record shall be open at all reasonable hours to the inspection of the commissioner of labor and industry and State factory inspector, his deputy, or any authorized agent of the labor department. Any employer who fails to keep such record as required by this section or makes any false entry therein, or refuses to exhibit such time book or record, or makes any false statement to the commissioner of labor and industry and State factory inspector, his deputy or any authorized agent of the labor department, in reply to any question put in carrying out the provisions of this act shall be liable for a violation thereof.

SEC. 7. *Violations.*—[Violations incur penalty of fine, $25 to $50 for first offense; $50 to $200 for second offense; for third and subsequent offenses, $250 to $500.]

SEC. 8. *Canneries, etc.*—Nothing in the seven preceding sections shall apply to any manufacturing establishment or business the materials and products of which are perishable and require immediate labor thereon to prevent decay thereof or damage thereto.

ACTS OF 1923

CHAPTER 149.—*Inspection of steam vessels—Masters, etc., to be licensed*

SECTIONS 1–13. *Inspection, safety provisions; licenses.*—[This act gives the public utilities commission jurisdiction over vessels on the inland waters of the State engaged in the transportion of persons and property. Such vessels must be inspected and certified annually, the boiler and its equipments tested, proper steam pressure determined, etc. A life preserver for each passenger and member of the crew must be provided. Masters, pilots, engineers, and operators must be examined and receive licenses renewable annually.]

MARYLAND

PUBLIC GENERAL LAWS—CODE OF 1911, 1914

ARTICLE 7.—*Arbitration of labor disputes*

SECTION 1. *Investigations.*—Whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any person in the employment or service of such corporation, which, in the opinion of the board of public works, shall tend to impair the usefulness or prosperity of such corporation, the said board of public works shall have power to demand and receive a statement of the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of the said board of public works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined; but if the said corporation, or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said board of public works to examine into and ascertain the cause of said controversy, and to report the same to the next general assembly.

SEC. 2. *Scope of act.*—All subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees in any trade or manufacture may be settled and adjusted in the manner hereafter mentioned.

SEC. 3. *Either party may demand arbitration.*—Whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in manner following, that is to say—where the party complaining and the party complained of shall come before, or agree, by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators, appointed under the provisions of this article, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration had been entered into, to appoint arbitrators for settling the matters in dispute; and such judge or justice of the peace shall then and there propose not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with said judge or justice of the peace, shall have full power finally to hear and determine such dispute.

SEC. 4. *Mutual agreement.*—In all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a mode different from the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

SEC. 5. *Third parties may act.*—It shall be lawful in all cases for any employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. *Determination of dispute.*—Every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession, or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under the provisions of this

article shall be returned by said arbitrators to the judge of justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession, or nonsuit; and in all proceedings under this article, whether before a judge or justice of the peace, or arbitrators, costs shall be taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition, or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon.

ARTICLE 9.—*Exemption of wages from attachment*

SECTION 33. *One hundred dollars exempt.*—No attachments of the wages or hire of any laborer or employee, in the hands of the employer, whether private individuals or bodies corporate, shall affect any salary or wages of the debtor which are not actually due at the date of the attachment; and the sum of one hundred dollars of such wages or hire due to any laborer or employee by any employer or corporation shall always be exempt from attachment by any process whatever.

SEC. 34. *Nonresidents.*—The wages or hire of any person or persons, not residing in this State, shall be subject to attachment upon judgment, warrant, or upon two non ests, in the same manner and to no larger extent than the wages or hire of any person or persons, resident in this State.

ARTICLE 23.—*Payment of wages—Semimonthly pay day*

SECTION 123. *Wages to be paid, when.*—* * * Every association or corporation doing business in the State of Maryland employing wageworkers, whether skilled or ordinary laborers, engaged in manual or clerical work, in the business of mining, manufacturing, operating a steam or electric railroad, street railway, telegraph, telephone, or express company, shall make payment in lawful money of the United States semimonthly to said employees, laborers, and wageworkers, or to their authorized agents, at their respective places of employment, at intervals of not more than sixteen days and not more [less] than fourteen days. In case any said corporations or associations doing business as aforesaid, or any of their officers, shall refuse to make payment at the times above set forth to their wageworkers, laborers, or other employees the wages due them or any of them, said association, corporation, or officer so refusing shall be guilty of a misdemeanor, and be liable to indictment therefor, and, upon conviction, shall be fined a sum not exceeding two hundred dollars for each offense.

ARTICLE 23.—*Company stores*

SECTION 311. *Company stores forbidden to certain corporations.*—No railroad or mining company formed or organized under any of the provisions of this article, or which has organized under any existing laws, charter, or act of the general assembly of this State, shall own, conduct, or carry on any store, or have any interest in any store, or receive any portion of the profits thereof; but nothing herein contained shall prevent the employees of any corporation from forming cooperative stores.

ARTICLE 23.—*Forced contributions from railroad employees*

SECTION 315. *Withholding wages.*—It shall not be lawful for any railroad company doing business in this State to withhold any part of the wages of its employees for the benefit of any relief association or the members thereof. Any railroad company violating the provisions of this section shall upon conviction be fined not less than fifty ($50) dollars nor more than five hundred ($500) dollars for each and every offense.

ARTICLE 23.—*Days of rest for railroad employees*

SECTION 325-A. *Scope of law.*—Any person employed as signalman, towerman, gateman, lever man, agent, train dispatcher, telegraph or telephone operator, in a railroad signal tower or public railroad station to receive or transmit a telegraphic or telephonic message or train order for the movement of trains and who works eight hours or more in any twenty-four each and every day continuously, and all lever men employed in connection with the reception or transmission of a telegraphic or telephonic message or train order for the movement of trains and who work the number of hours aforesaid must have and shall be allowed at least two days of twenty-four hours each in each and every calendar month for rest with the regular compensation; except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, and for such extra service in case or cases of such emergency, such employee or employees who shall work on extra days by reason of such emergency shall be paid in addition to his regular compensation for and during the calendar month in which such extra service shall be rendered an amount equal to his average daily compensation for each day during which he performs such extra service. Any person or persons, company, corporation, or association who shall violate any of the provisions of this section shall on conviction pay a fine of not less than one hundred dollars ($100) for each violation thereof, and such fine shall be recovered by an action of debt in the name of the State of Maryland for the use of the State, which shall sue for it against such person, company, corporation, or association violating this section, said suit to be instituted in any court of this State having appropriate jurisdiction, and such fine when recovered, as aforesaid, shall be paid without any deduction whatever, one-half thereof to the informer and the balance thereof to be paid into the public-school fund of the State of Maryland.

ARTICE 23.—*Employment of children—Messenger service*

SECTION 375. *Night work.*—[Forbids telegraph, telephone, and messenger companies to employ any person under 14 in messenger service, or anyone under 16 between 8 p. m. and 8 a. m.]

SEC. 376. *Minors not to go to certain places.*—[Forbids same to cause or permit any minor to go to any house of ill repute or questionable character.]

SEC. 377. *Penalty.*—[Penalties of fine or imprisonment or both for violations.]

ARTICLE 23.—*Accidents on railroads, etc.—Reports and investigations*

SECTION 434. *Duty of commission.*—[The public service commission must investigate all accidents on street and steam railroads causing loss of life or personal injury which in its judgment require investigation. Reports are to be made of such accidents within 30 days, but may not be admitted as evidence in any suit for damages.]

ARTICLE 27.—*Labor agreements not conspiracy*

SECTION 33. *Combinations not conspiracy, when.*—An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen, shall not be indictable as a conspiracy, if such act, committed by one person, would not be punishable as an offense; nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or any offense against any person or against property.

ARTICLE 27.—*Seats for female employees in mercantile establishments*

SECTION 260. *Seats required.*—[Proprietors of wholesale and retail stores, and other places where female help is employed to serve the public, must furnish each female employee a chair or stool for use when not actively engaged in the duties of her employment; use must not be forbidden. Penalties are provided; department of health to enforce.]

ARTICLE 27—*Factory regulations*

SECTION 264. *Establishments to be registered.*—The owner of every factory, manufacturing and mechanical establishment and workshop, and of every store

or other mercantile establishment employing five or more persons shall register same with the bureau of statistics and information, giving the name and home address of the owner, and if the owner is a corporation the name and home address of its president and manager or chief business agent, the address of the business, the name under which it is carried on, the number of employees, and such other data as the chief of the bureau of statistics and information may require. Such registration of existing establishments shall be made within six months after April 16, 1914; those hereafter established shall be so registered within thirty days after the commencement of business. Within thirty days after a change in the location of any such establishment the owner thereof shall file with the bureau of statistics and information the new address of the business, together with such other information as the chief of said bureau may require. The registration required by this section shall be made upon blanks supplied by the bureau of statistics and information.

Sec. 265. *Information to be furnished.*—The owner, operator, manager, or lessee of any factory, workshop, warehouse, elevator, foundry, machine shop, store or other mercantile, manufacturing or mechanical establishment, or any agent, superintendent, subordinate, or employee thereof, or any person employing or directing any labor of any kind whatsoever, shall, when requested by the chief of the bureau of statistics and information, furnish any information in his possession or under his control which the chief of said bureau is authorized to require, and for the purpose of inspection shall admit the chief of said bureau or his authorized representative to any place which is affected by this subtitle or which is required by law to be inspected. Any person who refuses to admit the chief of said bureau, or person authorized by him, to any such establishment, or to furnish any such information, or who refuses to answer or untruthfully answers questions lawfully put to him by the chief of said bureau, or any deputy of said chief, in a circular or otherwise, shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be fined not less than five dollars nor more than fifty dollars for each offense.

Sec. 266. *Sprinkling required.*—The proprietors or managers of shirt factories in the State of Maryland are hereby required to sprinkle the floors of said factories every morning with water, and any proprietor or manager failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of ten dollars, and cost of prosecution, for each and every offense, one-half of said fine to go to the informer, balance to be paid into the treasury of the State.

Sec. 267. *Standing or sitting on molds forbidden.*—It shall be unlawful for any person, firm, corporation or association engaged in the manufacture of cigars to cause or permit any person, whether employee or member of such firm, corporation or association or other person to stand or sit on or upon any mold, form or press that may be used in the molding forming or pressing of cigars during the course or process of manufacture while such mold, form or press is being so used; and any such person, firm, corporation or association violating or causing to be violated the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five dollars ($5) for the first offense; and not more than fifty dollars ($50) for the second and each subsequent offense.

Sec. 268. *Workrooms in tenements, etc.*—No room or apartment in any tenement or dwelling house, and no part of any tenement or dwelling house, shall be used for the purpose of manufacturing, in whole or in part, altering, repairing or finishing therein, any articles whatsoever, except for the exclusive use of the person so using any part of such tenement or dwelling house, or the immediate members of his household without a license therefor as provided in this section.

Application for such license shall be made to the chief of the bureau of statistics and information by any member of a family desiring to do such work in any room or apartment of a tenement or dwelling house. Such application shall designate the location of the room or apartment, the number of persons to be employed therein, the street and number of and the full name and address of the owner of the building in which the room or apartment is located, and shall be signed by the applicant. Application blanks shall be prepared and furnished by the bureau of statistics and information in such form as the chief thereof may determine.

Upon receipt of such application the chief of the bureau of statistics and information shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection, and if such records show the presence of any infectious, contagious or communicable disease, or the existence of any insanitary conditions in or about such room or apartment, the chief of said bureau may, without making an inspection of the premises deny such application for a license until such time as the records of the said department, board or other local authority show that the said premises are free from all such infectious, contagious or communicable disease, and from all insanitary conditions. Before, however, any such license is granted, an inspection of the room or apartment sought to be licensed must be made by the duly authorized inspector of the bureau of statistics and information and a statement must be filed in said bureau as a matter of public record to the effect that the records of the local health department or board or other local authority charged with the duty of sanitary inspection do not show the existence of any infections, contagious or communicable disease or of any insanitary conditions in or about said room or apartment. Such statement must further show the results of the inspection of such premises, and must be dated and signed in ink by the inspector responsible therefor. If the chief of the bureau of statistics and information ascertain that such room or apartment is free from infections, contagious or communicable disease and is in proper sanitary condition he shall grant a license permitting the use of such room or apartment for the purpose of manufacturing and stating the number of persons allowed to work therein. An inspection of each licensed tenement or dwelling house workshop shall be made not less than once in every six months to determine whether or not the conditions under which such license was granted and all laws relating to such premises are being complied with.

No articles shall be manufactured in whole or in part, altered, repaired or finished in any room or apartment of a tenement or dwelling house where there is or has been a case of infectious, contagious or communicable disease until such time as the local department or board of health shall certify to the bureau of statistics and information that such disease has terminated and that the room or apartment has been properly disinfected, if disinfection after such disease is required by law or by the rules and regulations of such department or board. No person, firm or corporation shall hire, employ or contract with any person to manufacture in whole or in part, alter, repair or finish any articles in any room or apartment of any tenement or dwelling house, unless a license has been issued therefor as aforesaid. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles except by the immediate members of the family living therein, which shall be limited to a husband and wife, their children or the children of either. No room or apartment in any tenement or dwelling house shall be used for the manufacture in whole or in part, altering, repairing or finishing of any articles unless such room or apartment contain at least five hundred cubic feet of air space for every person working therein.

Nothing contained in this section shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making altering, repairing or finishing any article of wearing apparel for the use of such person or family. This section shall not apply to any workshop on the main or ground floor of any tenement or dwelling house, which is not used for sleeping or cooking, which has a separate entrance to the street and which is entirely separate from the rest of the building.

Sec. 269. *Making clothing, etc., in lofts.*—No person, firm, or corporation shall work in, or hire, or employ any person to work in any loft, workshop or factory in any building whatsoever at making in whole or in part any articles or clothing, hats, gloves, furs, feathers, artificial flowers, purses, cigars or cigarettes without a license therefor from the chief of the bureau of statistics and information stating the maximum number of persons allowed to be employed therein.

Application for such license shall be made to the chief of the bureau of statistics and information upon blanks to be prepared and furnished by him. Such application shall state the location, street and number of the loft,

workshop or factory to be licensed, the number of persons to be employed therein, and such other information as the chief of the said bureau may require, and shall be signed in ink by the person or firm or officer of the corporation conducting the work in such loft, workshop or factory.

No such license shall be granted until such premises have been inspected by an inspector of the bureau of statistics and information and a statement filed in said bureau as a matter of public record, showing the results of said inspection and signed in ink by the inspector responsible therefor.

No such license shall be granted for such premises unless the laws requiring fire escapes and proper exits thereto and separate privies for male and female employees and all other laws relating to the health and safety of employees in such establishment have been fully complied with, and unless every such loft, workshop or factory sought to be licensed shall contain at least five hundred cubic feet of air space for every person employed therein.

SEC. 270. *Register of workers.*—Every employer or manufacturer, whether a person, firm or corporation, contracting for the manufacture in whole or in part, altering, repairing or finishing of any articles in a tenement or dwelling house, or in any room or workshop outside of his, their or its own establishment, or giving out of materials from which they or any part of them are to be manufactured, altered, repaired or finished, in a tenament or dwelling house, or in any room or workshop outside of his, their or its own establishment, shall keep a register of the names and addresses, plainly written in English, of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom such employer or manufacturer has contracted to do the same, and shall issue with all such articles or materials a label bearing the name and place of business of such employer or manufacturer legibly written or printed in English.

It shall be the duty of every employer or manufacturer and of every person contracting for the manufacture, altering, repairing or finishing of any articles or giving out any such articles or materials to ascertain from the bureau of statistics and information whether or not the room or apartment in which such articles or materials are to be manufactured, altered, repaired or finished is licensed as provided in this act; and none of the said articles nor any material from which they or any part of them are to be manufactured, altered, repaired or finished shall be given out or sent to any person to be so worked upon in any room or apartment of a tenement or dwelling house or workshop outside of his, their or its own establishment which is not licensed as provided in this subtitle.

The register mentioned in this section shall be subject to inspection by any inspector of the bureau of statistics and information, and a copy thereof, as well as such other information in regard thereto as such inspector may require shall be furnished upon demand.

SEC. 271. *Revocation of license.*—Any license granted under sections 268 and 269 may be revoked by the chief of the bureau of statistics and information if the licensee thereunder, or his or its duly authorized agent, shall fail, refuse or neglect to comply with any of the conditions under which same was granted, or with any law relating to the premises licensed, or if the health of the community or of the persons employed thereunder requires it.

SEC. 273. *Right to inspect.*—The chief of the bureau of industrial statistics, or his assistant, or any inspector, shall have authority to enter any room in any tenement or dwelling house, workshop, manufacturing establishment, mill, factory or place where any goods are manufactured, for the purpose of inspection. The person, firm or corporation owning or controlling or managing such places shall furnish access to and information in regard to such places to the said chief of the bureau of industrial statistics or his deputies at any and all reasonable times while work is being carried on.

SEC. 274. *Duties.*—The chief of the bureau of industrial statistics shall appoint two deputies as assistants, whose duty it shall be to make such inspection of the tenements, dwelling-houses, factories, workshops, mills and such other places as he may designate and to do such other work as the said chief of the bureau of industrial statistics shall designate.

SEC. 275. *Violations.*—[Penalties for violations, or refusing access or information to inspectors, are $5 to $100, or imprisonment 10 days to 1 year, or both.]

ARTICLE 27.—*Employment of children in certain occupations forbidden*

SECTION 344. *Mendicant, etc., occupations.*—[Employment in mendicant, acrobatic, etc., occupations of children under 14 is forbidden; similar lists are found in section 2223 of the Delaware Code.]

[For sections 358–361, see similar provisions of sections 375–377 of article 23, above.]

[Section 476 resembles section 344, but applies to children under 16 years of age (sec. 344 is of later enactment)].

ARTICLE 27.—*Employment of women as waiters, etc.*

SECTION 442. *Employment in theaters, etc., forbidden.*—It shall not be lawful for any proprietor, lessee, or manager of any theatre, museum, or other place of amusement to employ women or girls as waiters, or to permit them to act in such theater or place of amusement, or among the audience or frequenters of such theater or place of amusement, as waiters, or for the purpose or under the pretense of selling, serving, receiving orders or pay for spirituous or malt liquors, wines, lager beer, or any other refreshments or merchandise.

ARTICLE 27.—*Payment of wages—Semimonthly pay day*

SECTION 481. [Same as art. 23, sec. 123.]

ARTICLE 33.—*Protection of employees as voters*

SECTION 91. *Attempting to influence vote.*— * * * Any employer, whether a body corporate, firm, or individual, and any officer or agent of any employer who shall refuse to allow its or his employee or employees sufficient time not exceeding four hours within which to vote or who shall directly or indirectly prevent or hinder its or his employee or employees from exercising the right herein granted by any form of inducement whatever, or by threats, express or implied, that the exercise by said employee or employees of the right herein granted will be followed by a discharge from said employment or by a reduction in salary or wages, or who shall influence or attempt to influence its or his employee or employees not to exercise the right herein granted upon any pretext whatever shall be guilty of a misdemeanor, and upon conviction thereof shall for each and every offense pay a fine not exceeding the sum of five hundred dollars or be imprisoned in jail for a period not exceeding six months, or both, in the discretion of the court.

ARTICLE 43.—*Occupational diseases—Reports*

SECTION 5g (added 1912, ch. 165). *Physicians to report.*—Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorous, arsenic, or mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease contracted as a result of the nature of the patient's employment, shall send to the State board of health a written notice stating the name and full postal address and place of employment of the patient, and the nature of the occupation and the disease from which in the opinion of the physician the patient is suffering, with such other specific information as may be required by the State board of health. If any physician, when required by this section to send notice, fails forthwith to send the same, he shall be liable to a fine not exceeding ten dollars. It shall be the duty of the State board of health to enforce the provisions of this section, and it may call upon the local boards of health and health officers for assistance, and it shall be the duty of all boards and officers so called upon for such assistance to render the same. It shall furthermore be the duty of said State board of health to transmit such data to the chief of the Maryland Bureau of Statistics and Information, who shall record said data and include the same and summary thereof in his annual report.

ARTICLE 43.—*Factory regulations—Sprinkling floors*

SECTION 102. [Same as sec. 206, art. 27.]

ARTICLE 47.—*Wages as preferred claims—In assignments, etc.*

SECTION 15. *Insolvency.*—[Receivers of insolvents are to pay first the wages or salaries of clerks, servants, salesmen, or employees for not more than three months prior to the execution of the assignment, etc., next after the legitimate costs, taxes, and commissions, excepting lien claims recorded at least three months prior to the assignment.]

ARTICLE 48.—*Protection of employees on buildings*

SECTION 76. *Unsafe scaffolding.*—It shall be the duty of the police commissioners, marshal of police, or other persons in charge of the police force of any city or town of this State, when complaint is made to them or any of them that the slings, hangers, blocks, pulleys, stays, braces, irons, or ropes of any swinging or stationary scaffolding used in the painting, cleaning, or pointing of any building within the limits of such city or town are unsafe or liable to prove dangerous to the life or limb of any person, to detail a competent police officer to examine, and, if necessary, test the same; immediately after making such examination or test he shall attach thereto a certificate stating that he has made such examination or test and that he has found such slings, hangers, irons, or ropes, or any of them, safe or unsafe, as the case may be; if he declares unsafe the whole or any portion of such swinging or stationary scaffolding, he shall at once, in writing, notify the person or persons responsible for the same of the fact, and warn them against using or suffering or permitting any person or persons to use them, and such notice may be served upon the person or persons responsible, or by conspicuously affixing it to the condemned or defective article; after such notice is served or affixed, it shall be the duty of the responsible person or persons to remove or cause to be removed the scaffolding, or that part of it which has been condemned, or to alter and strengthen it in such manner as to render it safe, in the discretion of the officer who has tested or examined it, or his superiors.

SEC. 77. *Strength of scaffolding.*—All swinging and stationary scaffolding shall be so constructed as to bear three times the maximum weight required to be dependent from or placed thereon when in use, and not more than one man shall be allowed on a given scaffold to each tackle and each man shall be provided with a life line sufficiently strong to bear twice his weight, secured independently of the other scaffolding.

SEC. 78. *Access to premises.*—Any officer detailed to examine or test any scaffolding or portion thereof as required by sections * * * shall have free and unobstructed access at all reasonable hours to any building or premises containing them or where they may be in use.

SEC. 79. *Violations.*—[Violations are punishable by fine not less than $25 nor more than $100.]

ARTICLE 77.—*Employment of children—School attendance*

SECTIONS 153 (amended 1922, ch. 474), 153A. *Requirement.*—[School attendance is required in Baltimore City and in the counties, respectively, of children 14 to 16 years of age, unless "regularly and lawfully employed to labor at home or elsewhere."]

SEC. 155. *Violation.*—[Employing a child unlawfully absent from school is a misdemeanor.]

SEC. 166. *Inspection.*—[Attendance officers may visit all establishments where minors are employed to ascertain whether or not the law is violated.]

ARTICLE 83.—*Assignments of claims on wages—Sending claims outside of State*

SECTION 15. *Assignment of wage claims.*—[Citizens of the State are forbidden to send or transfer any claim for debt against a resident of the State for collection outside the State with the intent of depriving the debtor of the benefit of the wage exemption laws of the State. Violator is liable for amount collected and also (sec. 18) is punishable for a misdemeanor.]

ARTICLE 89.—*Commissioner of labor and statistics*

SECTION 1 (as amended 1922, ch. 29). *Appointment, etc.*—The office of commissioner of labor and statistics is hereby created. The term of office of said

commissioner shall be two years, and until his successor shall be appointed and shall have qualified, said term beginning on the first Monday of May succeeding his appointment, except that the commissioner first appointed under this act shall be appointed on the taking effect of this act and hold office until the first Monday of May, 1924, and until his successor shall qualify. Any vacancy shall be filled by the governor for the unexpired term. The governor may at any time remove the commissioner from office for inefficiency, neglect of duty, or malfeasance in office. The salary of the commissioner shall be $3,000 per annum. The said commissioner shall be allowed for actual and necessary expenses incurred in the discharge of his duties.

The commissioner of labor and statistics is authorized and empowered to appoint and employ such deputies, inspectors, assistants, and employees of every kind as may be necessary for the performance of the duties now or hereafter imposed upon him by this or any other law: *Provided, however*, That such appointments and employments, and the compensation to be allowed therefor, shall in each and every case be subject to the approval of the governor.

[The duties and powers of the former State board of labor and statistics and of the inspectors of female labor are transferred and devolved upon the commissioner above provided for.]

SEC. 2 (as amended 1916, ch. 406). *Duties.*—It shall be the duty of the said State board of labor and statistics:

1st. To collect statistics concerning and examine into the condition of labor in this State, with especial reference to wages, and the causes of strikes and disagreements between employers and employees.

2d. To collect information in regard to the agricultural conditions and products of the several counties of the State, the acreage under cultivation and planted to the various crops, the character and price of lands, the live stock, et cetera, and all other matters pertaining to agricultural pursuits, which may be of general interest and calculated to attract immigration to the State.

3d. To collect information in regard to the mineral products of the State, the output of mines, quarries, and so forth, and the manufacturing industries.

4th. To collect information in regard to railroads and other transportation companies, shipping, and commerce.

5th. To keep a bureau of general information, and to this end all officers and institutions of this State, including officers of the general assembly, are directed to transmit to the State board of labor and statistics all reports, as soon as published.

6th. To classify and arrange the information and data so obtained, and as soon as practicable after entering upon the duties of its office, publish the same in substantial book form and annually thereafter revise and republish the same.

SEC. 2A. *Offices to be established.*—It shall be the duty of the State board of labor and statistics to organize, establish and conduct free employment agencies, in such parts of the State as such board may deem advisable, for the free use of the citizens of the State of Maryland, for the purpose of securing employment for unemployed persons who may register in said agencies, and for the purpose of securing help or labor for persons registering as applicants for help or labor. The said board shall investigate the extent and the cause or causes of unemployment in this State, and the remedies therefor adopted and applied in the States of this country and in other countries, and report thereon to the governor, and shall do all in its power to bring together employers seeking employees and working and laboring people seeking employment.

SEC. 3. *Duty of chief of bureau.*—Upon information furnished by an employer of labor, whether person, firm, or corporation, or by a committee of employees, or from any other reliable source, that a controversy or dispute has arisen between employer and employees, involving ten or more persons, which controversy may result in a strike or lockout, the Chief of the Bureau of Industrial Statistics of Maryland, or such person officially connected with said bureau of industrial statistics as may be deputized in writing by the said chief of said bureau of industrial statistics, shall at once visit the place of controversy or dispute and seek to mediate between the parties, if in his discretion it is necessary so to do.

SEC. 4. *Arbitration.*—If mediation can not be effected as provided for in section 1 [3] of this subtitle, the chief of the bureau of industrial statistics, or such person officially connected with said bureau as may be by him deputized in writing, may, at his discretion, endeavor to secure the consent of the parties to the controversy or dispute to the formation of a board of arbitration, which

board shall be composed of one employer and one employee engaged in the same or similar occupation to the one in which the dispute exists, but who are not parties to the controversies or dispute, and to be selected by the respective parties to the controversy; the third arbitrator may be selected by the two first-named arbitrators, and said third arbitrator so selected shall be president of the board of arbitration; and upon the failure of the two first-named arbitrators, as aforesaid, to agree upon the third arbitrator, then the chief of said bureau of industrial statistics shall act as third arbitrator, or he may deputize, in writing, some person officially connected with said bureau to so act, and the said chief, or the person who may be so deputized by him, shall act as president of said board.

SEC. 5. *Powers of board.*—The president of the said board, provided in section 4 of this subtitle, shall have power to summon witnesses, enforce their attendance and administer oaths and hear and determine the matter in dispute, and within three days after the investigation render a decision thereon, a copy of which shall be furnished each party to the dispute, and shall be final.

SEC. 6. *Agreements of parties.*—In all such cases of dispute, as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a mode different from the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties. It shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 8. *Failure to secure agreements.*—Should the chief of the bureau of industrial statistics or the person deputized by him, as aforesaid, fail to mediate or secure the consent of the parties to the controversy or dispute to submit the matter to arbitration, then the said chief of the bureau of industrial statistics or person deputized by him, as aforesaid, shall proceed to thoroughly investigate the cause of the dispute or controversy; he shall have the authority to summons both parties to appear before him and take their statements, in writing or under oath, and having ascertained which party is, in his judgment, mainly responsible and blameworthy for the continuance of said controversy or dispute, shall publish a report in some daily newspaper, assigning such responsibility or blame over his official signature.

SEC. 9. *Investigation.*—For the purposes of the investigation, as aforesaid, the chief of said bureau of industrial statistics or such person as he may deputize in writing, as aforesaid, shall have power to administer oaths, to issue summons for the attendance of witnesses, to enforce the attendance of witnesses, production of papers and books, to the same extent that power is possessed by courts of record or judges thereof in this State.

SEC. 10. *Information confidential.*—All information of a personal character or pertaining to the private business of any person, firm, or corporation, or which might have a tendency to expose the profits or methods of doing business by any person, firm or corporation, coming to the knowledge of the chief of said bureau or person deputized by him, or to the arbitrators selected under the aforesaid provisions, shall be deemed confidential and so treated, and all documents and testimony taken shall be filed in the office of the bureau of industrial statistics.

SEC. 11 (added 1916, ch. 406). *Local boards.*—It shall be the duty of the State board of labor and statistics to do all in its power to promote the voluntary arbitration, mediation and conciliation of controversies and disputes between employers and employees, and to avoid resort to lockouts, boycotts, black lists, discriminations and legal proceedings in or arising out of such controversies and disputes and matters of employment. In pursuance of this duty, the said board may, whenever it deems advisable, but subject to the approval of the governor, appoint boards of arbitration for the consideration and settlement of such controversies and disputes, and may provide for the necessary expenses of such arbitration boards, and for such reasonable compensation to the members serving thereon as the said board may deem proper, not exceeding, however, the sum of five dollars per day for each member for each day during which such member is engaged in work upon such arbitration boards. The said board shall prescribe rules of procedure for such arbitration boards, and the said arbitration boards shall have the power to conduct investigations and hold hearings, to summon witnesses, and enforce their attendance through the ordinary processes of law in the cities and counties

in which such arbitration boards may meet, subject to all the penalties for nonattendance to which witnesses in ordinary civil cases are subject, and in like manner may require the production of books, documents and papers and may administer oaths, all to the same extent that such powers are possessed and exercised by the civil courts of the State; and said arbitration boards shall make, report and publish findings for the settlement of such controversies and disputes. The said board of labor and statistics shall itself have like power to conduct investigations and hold hearings, summon and enforce the attendance of witnesses, administer oaths, require the production of books, documents and papers, and make and publish reports and findings with respect to any and all matters covered by this section. Subject to the approval of the governor, the board may appoint and designate a deputy, and fix his compensation, who shall be known as the chief mediator, and who, together with any assistants who may be assigned by the board, shall have in charge the execution of the provisions of this section, under the direction and supervision of the board. The chief mediator may act upon any board of arbitration, but in such event he shall receive no compensation therefor in addition to his ordinary salary. Nothing in this section contained shall affect the provisions with respect to arbitration and award contained in article 7 of the Annotated Code of Maryland, title "Arbitration and Award," nor the provisions with respect to arbitration contained in sections 223 to 228, inclusive, of the Baltimore City charter.

Article 89.—*Mine regulations*

Sections 16–176 (added 1922, ch. 307). *Safety, etc.*—[This is a complete code governing the operation of bituminous coal mines in the State. Definitions are given, a bureau of mines created with a chief mine engineer in charge, mine inspectors, not less than two, are provided for, and an examining board to pass upon the qualifications of mine foremen and fire bosses, who must hold certificates. Standard requirements as to maps, shafts, hoisting, haulage, ventilation, signals, electric installations, timbering, fire protection, blasting (shot firers may be required in gaseous or dusty mines), weighing and checkweighmen, provisions for accidents, etc., are found. No boy under 16 and no female may work in or about any mine. No person may work alone until the operator is satisfied that he will not endanger his fellow workmen.]

Article 100.—*Hours of labor of employees in cotton and woolen mills*

Section 1. *Ten hours a day's work.*—No corporation or manufacturing company engaged in manufacturing either cotton or woolen yarns, fabrics, or domestics of any kind, incorporated under the laws of this State, and no officer, agent, or servant of such named corporation or manufacturing company, and no person or firm owning or operating such corporation or manufacturing company within the limits of this State, and no agent or servant of such firm or person shall require, permit, or suffer his, its, or their employees in its, his, or their service, or under his, its, or their control to work for more than ten hours during each or any day of twenty-four hours for one full day's work and shall make no contract or agreement with such employees or any of them providing that they or he shall work for more than ten hours for one day's work during each or any day of twenty-four hours and said ten hours shall constitute one full day's work.

Sec. 2. *Male adult employees.*—Any such named corporation or manufacturing company within the limits of this State shall be allowed under the provisions of this section, the privilege of working male employees, over the age of twenty-one years over the limit of ten hours for the express purpose only of making repairs and improvements and getting fires made, steam up and the machinery ready for use in their work, which can not be done during the limits of the ten hours; the extra compensation for all such work to be settled between such corporation and manufacturing companies and the employees: *Provided*, That nothing in this article shall be so construed as to prohibit any employer from making a contract with his male employees, over the age of twenty-one years, to work by the hour for such time as may be agreed upon.

Sec. 3. *Violations.*—[Penalties for violations are fines not exceeding $100, and costs.]

ARTICLE 100.—*Employment of children—General provisions*

SECTION 4 (as amended 1916, ch. 222). *Age.*—[The employment of children under 14 in mills, factories, workshops, mercantile establishments, offices, hotels, restaurants, bootblacking stands, messenger, or delivery service, etc., is forbidden.]

SEC. 5 (as amended 1918, ch. 495). *Canneries.*—[The employment of children under 14 in canning and packing establishments is forbidden.]

SEC. 6. *School time.*—[The employment of any child under 14 at any work for hire during school hours is forbidden unless the child has fulfilled the requirements for school attendance.]

SECS. 7 and 8 (as amended 1916, ch. 222). *Dangerous occupations.*—[Forbids employment under 16 in specified dangerous occupations, "or any other occupation dangerous to life and limb, or injurious to the health or morals." Similar list appears in sec. 3145, Delaware Code.]

SEC. 9 (as amended 1916, ch. 222). *Certificates.*—[Children 14 to 16 before engaging in occupations specified in secs. 4 and 5 must have employment certificates on file at place of employment and accessible for inspection.]

SEC. 10. *Inspection.*—[Attendance officers, etc., may require production of certificates for inspection.]

SEC. 11 (as amended 1916, ch. 222).—*Return of certificates.*—[On termination of employment, employer must return certificate to issuing officer. Child may have new certificate without reexamination, but must have physician's certificate of fitness for new work.]

SEC. 12 (as amended 1916, ch. 222), sec. 13 (as amended 1918, ch. 495), sec. 14 (as amended 1916, ch. 222), sec. 15 (as amended 1918, ch. 495), sec 16 (as amended 1916, ch. 222), sec. 17, and sec. 18. *Issue.*—[These sections relate to the issue of certificates (sec. 15 for vacation employments); evidence of school attendance (completed fifth grade); age (14 in all cases); and physical ability for work applied for, are prerequisites.]

SECS. 19, 20. *Children apparently under 16.*—[If inspectors find a child employed who is apparently under 16, certificate or proof of age may be demanded or employment terminated.]

SEC. 21. *Dangerous occupations.*—[The employment of children under 18 in designated dangerous employment is forbidden. See sec. 3148, Delaware Code, for similar list.]

SEC. 22A (added 1916, ch. 222). *Work time.*—[No child under 16 may work in establishments named in sec. 4 more than 6 days or 48 hours per week or more than 8 hours per day, or between 7 p. m. and 7 a. m.]

SEC. 23 (as amended 1916, ch. 222). *Girls under 16.*—[Forbids employment of girls under 16 in work requiring constant standing.]

SEC. 24. *Messenger or delivery service.*—[Forbids employment of minors under 18 in messenger or delivery service in cities of 20,000 population or over between 10 p. m. and 6 a. m.]

SEC. 25 (as amended 1916, ch. 222). *Posting of law.*—[Requires sections of law as to hours and schedule of work time to be posted.]

SEC. 26 (as amended 1916, ch. 222). *News boys.*—[Boys under 12 and girls under 16 may not distribute or sell newspapers, etc., in any city of 20,000 population or above; but special badge issues for boys 10 or over to distribute papers on a regular route between 2:30 and 5 p. m.]

SEC. 27. *Street trades.*—[Forbids boys under 14 and girls under 16 in cities of 20,000 population or over to work as bootblacks or in other street trades except as newsboys, or in distributing circulars, etc.]

SECS. 28 to 31 (all as amended 1916, ch. 222), 32, and 33. *Permits for street trades.*—[Relate to the issue of permits and badges for newsboys and those engaging in street trades under 16 years of age. Permit does not allow work between 8 p. m. and 6 a. m., nor during school hours, unless an employment certificate is held.]

SEC. 34. *Enforcement.*—[Enforcement is by factory inspectors, attendance officers, and other authorized inspectors whose duty it is to make complaint in case of discovered violations.]

SEC. 35. *Evidence.*—[Failure to produce employment certificate on request of officer is prima facie evidence of illegal employment.]

SEC. 36. *Exceptions.*—[Law is not to interfere with industrial education.]

SEC. 36A (amended 1922, ch. 350). *Temporary permits.*—[Commissioner of labor and statistics may, on recommendation of school superintendents, issue temporary permits to children over 14 who are mentally retarded and may exercise vocational supervision over such children until 18.]

SECS. 37 to 46 (all but 38, 44, and 45 amended 1916, ch. 222). *Penalty.*—[Relate to violations and penalties.]

SEC. 47 (as amended 1922, ch. 350). *Fees.*—[Certificates are to issue without fee, except that in the counties physicians are entitled to a fee of $1, to be paid by the commissioner of labor and statistics.]

SEC. 48 (as amended 1916, ch. 222) *Inspectors.*—[Authorizes appointment of 4 inspectors at $1,000, 4 officers and inspectors at $1,200; also one or more "regular physicians and other attendants," to assist in carrying out the provisions of this law.]

ARTICLE 100.—*Employment of women—Hours of labor*

SECTION 51 (as amended 1916, ch. 147). *Ten-hour day.*—No female shall be employed or permitted to work in any manufacturing, mechanical, mercantile, printing, baking or laundering establishment more than ten hours in any one day, nor more than sixty hours in any one week, nor more than eight hours in any one day, if any part of her work is done before six o'clock in the morning or after ten o'clock in the evening of the said day, nor shall any female be employed or permitted to work for more than six hours continuously at any one time in any of the aforesaid establishments in which three or more such persons are employed, without an interval of, at least, a half hour, except that such female may be so employed for not more than six and a half hours continuously at one time, if she shall not be permitted to work during the remainder of the day in her said employment: *Provided, further*, That the invalidity of this act, shall in no way affect the validity of any other portion thereof, which can be given effect, without such invalid part. But the provisions of this section shall not apply to females employed in the canning or preserving, or preparing for canning or preserving of perishable fruit and vegetables: *And provided further*, That in any retail mercantile establishments located outside of the city of Baltimore a female may be permitted to work on Saturdays and on Christmas Eve and the five working days next preceding Christmas Eve not more than twelve hours, if during each of such Saturdays and Christmas Eve and five days aforesaid the female so employed shall have at least two rest intervals of not less than one hour each, and this provision shall only apply to such mercantile establishments as have during the remainder of the calendar year a working day of not more than nine hours.

SEC. 52. *Schedule of hours.*—Every employer shall post in a conspicuous place in every room of any manufacturing, mechanical, mercantile, printing, baking or laundering establishment in which any females are employed, a printed notice stating the provisions of this law and the hours of beginning and stopping work. The printed form of such notice shall be furnished by the chief of the Maryland Bureau of Statistics and Information.

PUBLIC LOCAL LAWS—CODE OF 1888

ARTICLE 1.—*Hours of labor in mines*

SECTION 194. *Ten hours a day's work.*—The period of employment of workingmen employed in and about the mines of Allegany and Garrett Counties shall be ten hours per day, said hours to be computed from the time of beginning said day's labor: *Provided*, That the time of beginning said day's labor shall be seven o'clock, a. m.; but nothing herein contained shall in any way preclude any workingman in and about said mines from working a greater number of hours should he so desire, and enter into contract with the owner or owners or managers of any of said mines—such additional hours to be computed as overtime, and to be paid for.

SEC. 195. *Penalty.*—Any person, body corporate, agent, manager or employer, who shall violate any of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars.

ARTICLE 4.—*Hours of labor on public works—Baltimore*

SECTION 31a (as amended 1910, ch. 94, p. 642). 1. *Eight hours a day's work.*—Eight hours shall constitute a day's work for all laborers, workmen, or mechanics who may be employed by or on behalf of the mayor and city council of Baltimore, except in cases of extraordinary emergency, which may arise in

time of war or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases the laborer, workman, or mechanic so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided further*, That the rate of per diem wages paid to laborers, workmen or mechanics employed directly by the mayor and city council of Baltimore shall not be less than two dollars per diem: *Provided further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen or mechanics employed by contractors or subcontractors in the execution of any contract or contracts, in any public work within the city of Baltimore.

2. *Employees of contractors.*—All contracts hereafter made by or on behalf of the mayor and city council of Baltimore with any person or persons or corporation, for the performance of any work with[in] the city of Baltimore, shall be deemed and considered as made upon the basis of eight hours constituting a day's work, and it shall be unlawful for any such person or persons or corporation to require or permit any laborer, workman or mechanic to work more than eight hours per calendar day in doing such work, except in the cases and upon the conditions provided in section 2 [1] of this act.

SEC. 3. *Violations.*—[Violations are punishable by fine, $10 to $50, one-half of such fine to go to the informer.]

4. *Limitation.*—The provisions of this act should not apply to the employees of the fire department, Bay View Asylum or the Baltimore City Jail.

ACTS OF 1916

CHAPTER 704.—*License tax—Employment offices*

SECTION 170. *Tax.*—[Requires an annual tax of $10 on each intelligence office or employment agency in the State.]

ACTS OF 1918

CHAPTER 85.—*Motor vehicle law—Bribery of chauffeurs, etc.*

SECTION 157. *Bribery.*—[It is unlawful for any chauffeur or other person having the care of a motor vehicle for its owner to receive, or for any dealer, repairer, etc., to give any bonus, discount or other consideration for supplies or parts furnished or labor done.]

CHAPTER 425.—*Bribery, etc., of employees making purchases*

SECTIONS 1, 2. *Acts forbidden.*—[This act penalizes the giving or the receipt of any present, bonus, or commission to superintendents, managers, gardeners, foremen, or other employees making purchases of material, equipment, supplies, etc., for public parks, cemeteries, athletic grounds, club grounds, hotel grounds, country estates, etc.]

ACTS OF 1922

CHAPTER 29.—*State labor officials*

PART I

SECTION 1. *Boards, etc.*—The executive and administrative departments, boards and commissions of the State government are hereby created or recognized and continued as follows:

* * * * * * *

XIV. The State industrial accident commission.
XV. The commissioner of labor and statistics.
XVI. The department of State employment and registration.

* * * * * * *

PART II

XIV

SECTION 1. *Industrial accident commission.*—The State industrial accident commission, constituted and organized as at present, and having and exercising the rights, powers, duties, obligations and functions now or hereafter conferred by law, shall constitute a separate department of the State government.

XV

[This article abolishes the State board of labor and statistics, and creates the office of commissioner of labor and statistics in its stead. See article 89, section 1, p. 496.]

XVI

SECTION 1. *Department of employment, etc.*—The department of State employment and registration is hereby established. * * *

SEC. 2. *How constituted.*—The following boards and agencies shall be assigned to the department of employment and registration.

* * * * * * *

State board of barber examiners.
Board of examining engineers.
Board of electrical examiners and supervisors.
Board of examiners of horseshoers.

* * * * * * *

State board of commissioners of practical plumbing.

* * * * * * *

MASSACHUSETTS

GENERAL LAWS—1921

CHAPTER 23.—*Department of labor and industries*

SECTION 1 (as amended 1921, ch. 306). *Department established.*—There shall be a department of labor and industries, under the supervision and control of a commissioner of labor and industries, in this chapter called the commissioner, an assistant commissioner, who shall be a woman, and three associate commissioners, one of whom shall be a representative of labor and one a representative of employers of labor.

SEC. 2. *Term of commissioner.*—Upon the expiration of the term of office of a commissioner, an assistant commissioner, or an associate commissioner, his successor shall be appointed for three years by the governor, with the advice and consent of the council. The commissioner shall receive such salary not exceeding seventy-five hundred dollars, and the assistant commissioner and associate commissioners such salaries, not exceeding four thousand dollars each, as the governor and council determine.

SEC. 3 (as amended 1921, ch. 306). *Duties.*—The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration and enforcement of all laws, rules, and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as otherwise provided. He shall organize in the department a division of standards and such other divisions as he may from time to time determine, and may assign the officers and employees of the department thereto. He shall prepare for the consideration of the assistant commissioner and the associate commissioners rules and regulations for the conduct of the department and all other rules and regulations which the department is authorized by law to make, and they shall, except as otherwise provided, take effect when approved by the associate commissioners and the assistant commissioner, or upon such date as they determine. The commissioner may designate the assistant commissioner or an associate commissioner to discharge the duties of the commissioner during his absence or disability.

SEC. 4 (as amended 1922, ch. 196). *Appointees.*—The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than five directors, and may, with like approval, remove them. One of them, to be known as the director of standards, shall have charge of the division of standards, and each of the others shall be assigned to take charge of a division. The commissioner may employ, for periods not exceeding ninety days, such experts as may be necessary to assist the department in the performance of any duty imposed upon it by law, and such employment shall be exempt from chapter thirty-one. Except as otherwise provided in section eleven, the commissioner may employ and remove such inspectors, investigators, clerks, and other assistants as the work of the department may require, and fix their compensation. Four inspectors shall be men who, before their employment as such, have had at least three years' experience as building construction workmen. The commissioner may require that certain inspectors in the department, not more than seven in number, shall be persons qualified by training and experience in matters relating to health and sanitation. The commissioner may employ temporarily, from time to time, such persons to act as surveyors of lumber as he may find necessary for making the surveys applied for, and such employment shall be exempt from chapter thirty-one. He may fix their compensation and, subject to his approval, they may be allowed reasonable expenses incurred in the performance of their official duties.

SEC. 5 (as amended 1921, ch. 306). *To give whole time.*—All directors, inspectors, and other permanent employees of the department shall devote their whole time to the affairs of the department; and all directors and inspectors and such other employees as may be designated by the commissioner shall, before entering upon their duties, be sworn to the faithful performance thereof.

The number of inspectors heretofore authorized by law may be increased only with the approval of the governor and council. The commissioner, assistant commissioner, and associate commissioners shall determine from time to time how many of the inspectors employed shall be women.

SEC. 6. *Assistant commissioner.*—In all matters relating specifically to women and minors the assistant commissioner shall have and exercise such duties and authority as may be prescribed by the commissioner, with the approval of the associate commissioners.

SEC. 7. *Associate commissioners.*—The associate commissioners shall constitute the board of conciliation and arbitration, and shall have the powers and perform the duties given them by chapter one hundred and fifty relative to conciliation and arbitration of industrial disputes, and chapter one hundred and fifty-one relative to the minimum wage. The board shall have assigned to it such assistants from the officers and employees of the department as the commissioner and the board from time to time determine.

CHAPTER 31.—*Public works—Preference of citizens*

SECTION 19. *Preference.*—In all work of any branch of the service of the Commonwealth, or of any city or town therein, citizens of the Commonwealth shall be given preference.

CHAPTER 32.—*Retirement of employees*

SECTIONS 39–41. *Associations; exemption of funds, etc.*—[Associations may be formed for the purpose of providing annuities, pensions, or endowments for employees retiring from employment on account of age. Contributions to a retirement fund may be deducted by the employer and paid to the association, together with such of his own contributions as the by-laws may provide for. Provision must be made for payments to representatives or appointees of employees dying before reaching the age of retirement, or for those leaving the service before becoming entitled to annuities. The by-laws must be approved by the commissioner of insurance, and annual reports must be made to him; he may also verify the statements by examining books and papers; but the association is not otherwise subject to laws relating to insurance companies. The property of such associations, the employees' contributions, and their annuity rights are exempt from taxation, from the bankruptcy laws, and from execution or attachment. Assignments of rights in such funds are invalid.]

CHAPTER 55.—*Protection of employees as voters*

SECTION 27. *Threats.*—No person shall, by threatening to discharge a person from his employment or to reduce his wages, or by promising to give him employment at higher wages, attempt to influence a voter to give or to withhold his vote, or, because of the giving or withholding of a vote, discharge a person from his employment or reduce his wages.

CHAPTER 76.—*Employment of children—School attendance*

SECTION 1 (as amended 1921, ch. 463). *Age.*—[Every child under 16 who has not completed the sixth grade of school and not holding an employment certificate and employed in some regular occupation for at least 6 hours a day, or holding a permit to engage in profitable employment at home must attend school during the full term, unless mentally or physically disqualified.]

CHAPTER 101.—*Employment of children in street trades*

SECTION 19. *Regulations.*—[Aldermen or selectmen may make regulations, consistent with the general laws, governing the employment of children as bootblacks or in the sale of merchandise.]

SECS. 20, 21. *Violations.*—[Persons having charge of minors, or persons employing minors, who violate or aid any minor to violate the provisions of this act may be fined or imprisoned.]

CHAPTER 111.—*Vaccination of employees in factories*

SECTION 182. *Vaccination may be required.*—The board of health of a town where any incorporated manufacturing company * * * is situated may, if

it decides that it is necessary for the health of the inmates or of the public safety, require the authorities of said establishment * * * at the expense thereof, to cause all said inmates to be vaccinated.

CHAPTER 140.—*Private employment offices*

SECTIONS 41, 42. *License required.*—[Persons conducting employment offices for servants, laborers, etc., other than seamen, must have a license, issued by the local authorities, who may also revoke such license at pleasure.]

SEC. 43. *Fees.*—[No fee may be demanded from an applicant for work unless employment of the kind demanded is furnished.]

SEC. 44. *Return of fee.*—[If the employee is discharged within 10 days not for fault of his own, he may, on demand, have returned five-sixths of any fee paid on account of the employment.]

SEC. 45. *Law to be printed.*—[Sections 43 to 46 must be printed on each license, and also posted in the offices.]

SEC. 46. *Violations.*—[Keepers violating the law may be fined and have their licenses suspended or revoked.]

CHAPTER 143.—*Factory, etc., regulations—Plans for buildings*

SECTION 15. *Building regulations.*—Except in Boston, no building which is designed to be used, or in which alteration shall be made for the purpose of using it, or continuing its use, in whole or in part, as a * * * factory, workshop or mercantile or other establishment, and to have accommodations for ten or more employees, * * * shall be erected, and no alteration shall be made therein until a copy of the plans and specifications thereof has been deposited with the supervisor of plans by the person causing its erection or alteration or by the architect thereof. Such plans and specifications shall include those for heating, ventilation and sanitation, if the supervisor of plans so requires. Such building shall not be so erected or altered without sufficient egresses and other means of escape from fire, properly located and constructed. * * * After a certificate of approval or a specification of requirement has been issued, no change shall be made in the plans or specification or in the building without the written permission of the supervisor of plans.

CHAPTER 143.—*Protection of employees on buildings*

SECTION 17. *Protection against falling material.*—If, in the erection of an iron or steel framed building, the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces from the time when the beams or girders are placed in position until said permanent construction is applied; but openings protected by a strong handrailing not less than four feet high may be left through said floors for the passage of workmen or material: *Provided*, That when such flooring can not be used without serious interference with the work of construction, such provision shall be made to protect the workmen from falling material as the inspector shall direct.

SEC. 18. *Staging required.*—In the construction of any iron or steel framed building having a clear story of twenty-five feet elevation or more, a staging with a close plank flooring shall be placed under and not more than ten feet below the under side of the whole extent of the beams, girders or trusses of such story upon which iron or steel workers are working.

SEC. 19. *Violations.*—[Violations are punishable by a fine, $50 to $500.]

CHAPTER 143.—*Factory, etc., regulations—Fire escapes*

SECTION 21. *Fire escapes.*—Except in Boston, any building * * * in which ten or more persons are employed in a factory, workshop, mercantile or other establishment * * * the owner, lessee or mortgagee in possession whereof is notified in writing by an inspector that sections fifteen to sixty, inclusive, apply thereto, shall be provided with proper egresses or other means of escape from fire sufficient for the use of all persons * * * employed * * * therein, but no owner, lessee or mortagee in possession of such building shall be deemed to have violated this provision unless he has been notified in writing by an inspector as to what additional egresses or means of escape from fire are necessary, and for thirty days has neglected or refused to provide the

same. The egresses and means of escape shall be kept unobstructed, in good repair and ready for use; and, if the inspector so directs in writing, every such egress shall be properly lighted and provided with a sign having on it the word "Exit" in letters not less than five inches in height, and so made and placed as plainly to indicate to persons within the building the situation of such egresses; stairways shall have suitable handrails; egress doors and windows shall open outwardly, and women or children shall not be employed in a factory, workshop, mercantile or other establishment in a room above the second story from which there is only one egress. The certificate of the inspector shall be conclusive evidence of a compliance with the said requirements: * * * Stairways on the outside of the building shall have suitable rail landings at each story above the first, accessible at each story from doors or windows, and such landings, doors and windows shall be kept clear of ice, snow and other obstructions.

Secs. 22, 23. *Obstructions.*—[Fire escapes and stairways must be kept free from obstruction, under penalties for noncompliance.]

Sec. 24. *Fire extinguishers.*—Except in Boston, the basement and each story of a building which is subject to section twenty-one shall be supplied with means of extinguishing fire, consisting of a hose attached to a suitable water supply and capable of reaching any part of such basement or story, or of such portable apparatus as the inspector shall direct; and such appliances shall be kept at all times ready for use and in good condition.

Sec. 25. *Flues and pipes.*—Except in Boston, no wooden flue or air duct for heating or ventilating purposes shall be placed or remain placed in any building subject to sections fifteen and twenty-one, and no pipe for conveying hot air or steam in such building shall be placed or remain placed within one inch of any woodwork, unless protected to the satisfaction of the inspector by suitable guards or casings of incombustible material.

Chapter 146.—*Inspection of steam boilers, air tanks, etc.*

Sections 2–4. *Rules.*—[The State board of boiler rules, with the assistance of the attorney general, is to formulate rules for the construction, installation, and inspection of boilers, and prescribe tests and standards of equipment, safety appliances, etc. Public hearings are to be held in connection with the formulation of such regulations, and changes take effect 6 months after their approval by the governor and council.]

Secs. 5–27, 29–33. *Steam boilers.*—[The division of inspection of the department of public safety is charged with the enforcement of the inspection law, and of the rules adopted by the board. Boilers, including those carrying more than 15 pounds pressure used for heating public buildings and apartments, and of more than 3 horsepower in industrial use, must have annual inspections, and boilers may not be used without a certificate of inspection. No one may tamper with safety appliances prescribed by this board, or load a safety valve beyond the certified allowed pressure. Owners and users pay a fee for inspection, $5 for an internal and external inspection and $2 for an external inspection or for each cast-iron sectional boiler inspected. Inspections by insurance companies are accepted, their inspectors to hold certificates of competency from the division of inspection.]

Secs. 34–41. *Compressed air tanks.*—[Air tanks of more than 50 pounds pressure to the square inch, used for operating pneumatic machinery, can not be used unless the owner or user has a certificate showing inspection within two years, or has a policy of insurance with certificate from an insurance inspector. The board of boiler rules prescribes regulations for size, shape, construction, pressure, equipment, etc. The fee for inspection is $3.]

Chapter 149.—*Labor law—Definitions*

Section 1. *Meaning of terms.*—In this chapter the following words, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Associate commissioners," the associate commissioners of the department of labor and industries.

"Buildings used for industrial purposes" or "industrial establishments" shall include factories, workshops, bakeries, mechanical establishments, laundries, foundries, tenement-house workrooms, all other buildings or parts there-

of where manufacturing is carried on, and mercantile establishments as defined in this section.

"Child," a person under eighteen.

"Commissioner," the commissioner of labor and industries.

"Cooperative courses," courses approved as such by the department of education and conducted in public schools where technical or related instruction is given in conjunction with practical experience by employment in cooperating factories, manufacturing, mechanical or mercantile establishments or workshops.

"Department," the department of labor and industries.

"Employment," any trade, occupation or branch of industry, any particular method or process used therein, and the service of any particular employer; but it shall not include private, domestic service or service as a farm laborer.

"Extraordinary emergency," danger to property, life, public safety or public health.

"Factory," any premises where mechanical power is used in aid of any manufacturing process there carried on.

"Industrial disease" or "occupational disease," any ailment or disease caused by the nature or circumstance of the employment.

"Industrial health inspector," an inspector qualified by training and experience in matters relating to health and sanitation.

"Inspector," an inspector of the department of labor and industries, except an inspector of the division of standards.

"Ironworks," a mill, forge or any premises where any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

"Manufacturing establishments," any premises, room or place used for the purpose of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part thereof.

"Mechanical establishments," any premises, other than a factory as above defined, where machinery is employed in connection with any work or process carried on therein.

"Mercantile establishments," any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for a restaurant or for publicly providing and serving meals.

"Place of employment," every place, whether indoors or out or underground, and the premises appurtenant thereto, into, in or upon which any employee goes or remains either temporarily or regularly in the course of his employment.

"Print works," any premises where the process of printing figures, patterns or designs upon yarn or cloth, or upon any woven or felted fabric not paper, is carried on.

"Safe" or "safety," such freedom from danger to life, safety and health of employees as the nature of the employment will reasonably permit.

"Woman," a female eighteen or over.

"Workshop," any premises, room or place, not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part thereof, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them, or if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop.

Chapter 149.—*Department of labor and industries*

Section 2. *Enforcement of laws.*—The department shall, except as otherwise specifically provided, enforce the provisions of this chapter and shall have all necessary powers therefor.

Sec. 3. *Inspections and investigations.*—The inspection and investigation carried on by the department shall be a regular and systematic inspection and investigation of all places of employment and the conditions of safety and health pertaining thereto.

Sec. 4. *Reports to department of public health.*—The department shall promptly report to the department of public health all cases of disease in industrial establishments affecting the health of the community.

SEC. 5. *Investigations.*—The department may investigate conditions existing in any line of industry, and such investigations may be extended outside of the Commonwealth to procure information to promote industrial development or to improve industrial conditions. It shall receive all complaints concerning conditions existing in any industry carried on in the Commonwealth, or concerning alleged violations of any laws enforced under its direction, and shall thereupon make or direct all needful and appropriate investigations and prosecutions.

SEC. 6. *Safety.*—It shall investigate from time to time employments and places of employment, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also shall determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments or places of employment; and shall make reasonable rules, regulations, and orders applicable to either employers or employees or both for the prevention of accidents and the prevention of industrial or occupational diseases.

SEC. 7 (as amended 1921, ch. 306). *Committees.*—The commissioner, assistant commissioner, and associate commissioners of the department may appoint committees, on which employers and employees shall be represented, to make such investigations and recommend rules and regulations.

SEC. 8 (as amended 1921, ch. 306). *Hearings.*—Before adopting any rule or regulation under section six, a public hearing shall be given, and not less than ten days before the hearing a notice thereof shall be published in at least three newspapers, of which one shall be published in Boston. Such rules or regulations shall, when approved by the associate commissioners and the assistant commissioner, be published in like manner and, subject to section thirty-seven of chapter thirty, shall take effect thirty days after such publication or at such later time as the associate commissioners and assistant commissioner may fix. Before adopting any order a hearing shall be given thereon, of which a notice of not less than ten days shall be given to the persons affected thereby.

SEC. 9. *Appeals.*—Any person affected by an order, rule or regulation of the department may appeal to the associate commissioners within such time as they by vote may fix, but not less than ten days after notice of the order or the taking effect of the rules or regulations. The associate commissioners shall thereupon give a hearing, and thereafter may amend, suspend, or revoke such order, rule, or regulation. Pending the hearing the commissioner may suspend the order, rule or regulation appealed from. Any persons aggrieved by an order approved by the associate commissioners may appeal to the superior court within fifteen days after the date of approval. The superior court may annul the order if it is found to exceed the authority of the department, and upon petition of the commissioner may enforce all valid orders issued by the department. This section shall not deprive any person of any other lawful remedy.

SEC. 10. *Entry.*—In order to make investigations under section six, members or employees of the department may at any time enter places of employment when being used for business purposes.

SEC. 11. *Reports as to occupational diseases.*—The department may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions of the patient's employment to report such information relating thereto as it may require, within such time as it may fix, and it may issue a list of such diseases which shall be regularly reported upon by physicians, and may add to or change such list at any time. Copies of all such reports and all statistics and data compiled therefrom shall be kept by it, and shall be furnished on request to the department of industrial accidents and the department of public health.

SEC. 12. *Authority of rules and regulations.*—If any rule or regulation made under authority of section sixty-four of chapter one hundred and fifty-two conflicts with or differs from a rule or regulation of the department, its rule or regulation shall prevail.

SEC. 13. *Violations forbidden.*—No person shall violate any reasonable rule, regulation, order or requirement made by the department under section seven or eleven.

SEC. 14. *Reports.*—The commissioner shall make an annual report, including the reports required by sections one hundred and sixty and one hundred and

seventy of this chapter, section ten of chapter one hundred and fifty, section fifteen of chapter one hundred and fifty-one, and section fifty-seven of chapter ninety-eight.

Sec. 15 (as amended 1921, ch. 306). *Districts.*—With the approval of the associate commissioners and the assistant commissioner, the commissioner may divide the Commonwealth into inspection districts, and assign the necessary number of inspectors thereto.

Sec. 16. *Penalty for accepting reward or bribe.*—An inspector who directly or indirectly receives a reward, gift or gratuity on account of his official services shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months, and shall also be discharged from office.

Sec. 17 (as amended 1921, ch. 306). *Entering buildings.*—For the enforcement of the provisions of this chapter, the commissioner, the assistant commissioner and the associate commissioners, the director of the division of industrial safety and inspectors may enter all buildings and parts thereof used for industrial purposes and examine the methods of protection from accident, the means of escape from fire, the sanitary provisions, the lighting and means of ventilation, and make investigations as to the employment of women and minors and as to compliance with all provisions of this chapter.

Sec. 18. *Health of children in factories.*—Every industrial health inspector shall inform himself concerning the health of all minors employed in factories within his district; and whenever he may deem it advisable or necessary, he shall call the ill health or physical unfitness of any minor to the attention of his parents, guardians or employer and of the department.

Chapter 149.—*Interference with employment—Strikes*

Section 19. *Interference forbidden.*—No person shall, by intimidation or force, prevent or seek to prevent a person from entering into or continuing in the employment of any person.

Sec. 20. *Joining labor unions.*—No person shall, himself or by his agent, coerce or compel a person into a written or oral agreement not to join or become a member of a labor organization as a condition of his securing employment or continuing in the employment of such person.

Sec. 21. *Fraudulent advertisements concerning employment.*—Whoever knowingly causes to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months, or both.

Sec. 22. *Advertising for employees during strikes.*—If an employer, during the continuance of a strike, lockout or other labor trouble among his employees, publicly advertises in newspapers or by posters or otherwise for employees, or by himself or his agents solicits persons to work for him to fill the places of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor trouble exists among his employees.

Sec. 23. *Notice of strike.*—No person, during the continuance of a strike, lockout or other labor trouble among his employees or those of another person, shall directly or indirectly procure or attempt to procure, or assist in any way in procuring or attempting to procure, persons to fill the places of employees involved in such strike, lockout or other labor trouble, if such persons are or have been solicited by means of advertisements or oral or written statements in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed. This provision shall apply whether such advertisements or oral or written solicitations were made within or without the Commonwealth.

After investigation by and upon complaint of the department, any person violating any provision of this or the preceding section shall be punished by a fine of not more than one hundred dollars.

Sec. 24. *Peaceful persuasion.*—No person shall be punished criminally, or held liable or answerable in any action at law or suit in equity, for persuading or attempting to persuade, by printing or otherwise, any other person to do anything, or to pursue any line of conduct not unlawful or actionable or in violation of any marital or other legal duty, unless such persuasion or attempt to persuade is accompanied by injury or threat of injury to the person, property, business or occupation of the person persuaded or attempted

to be persuaded, or by disorder or other unlawful conduct on the part of the person persuading or attempting to persuade, or is a part of an unlawful or actionable conspiracy.

CHAPTER 149.—*Employees on public works—Hours of labor, etc.*

SECTION 25. *Selection of lodgings.*—Every employee in public work shall lodge, board and trade where and with whom he elects; and no person or his agents or employees under contract with the commonwealth, a county, city or town, or with a department, board, commission or officer acting therefor, for the doing of public work shall directly or indirectly require, as a condition of employment therein, that the employee shall lodge, board or trade at a particular place or with a particular person. This section shall be made a part of the contract for such employment.

SEC. 26. *Preference for citizens.*—In the employment of mechanics, teamsters and laborers in the construction of public works by the Commonwealth, or by a county, town, or district, or by persons contracting therewith for such construction, preference shall first be given to citizens of the Commonwealth who have served in the Army or Navy of the United States in time of war and have been honorably discharged therefrom or released from active duty therein, and who are qualified to perform the work to which the employment relates; and secondly, to citizens of the Commonwealth generally, and, if they can not be obtained in sufficient numbers, then to citizens of the United States; and every contract for such work shall contain a provision to this effect. The wages for a day's work paid to mechanics and teamsters employed in the construction of public works as aforesaid shall be not less than the customary and prevailing rate of wages for a day's work in the same trade or occupation in the locality where such public works are constructed: *Provided*, That no town in the construction of public works shall be required to give preference to veterans not residents of such town over citizens thereof. Any contractor who knowingly and willfully violates this section shall be punished by a fine of not more than one hundred dollars.

SEC. 27. *Disputes as to wages.*—In case of any dispute as to such customary and prevailing rate of wages, the department shall investigate the wages paid in the trade or occupation in the locality which such public works are under construction, and decide what rate of wages shall be paid.

SEC. 28. *Action against cities or towns.*—A person to whom a debt is due for labor performed in constructing a building, sewer or drain, or water works or other public works owned by a town, under a contract with any person having authority from or rightfully acting for such town in furnishing such labor, shall have a right of action against such town to recover such debt if, within thirty days after he ceases to perform such labor, he files in the clerk's office of the town against which he claims such right of action a written statement under oath of the amount of the debt so due to him, and the names of the persons for whom and by whose employment the labor was performed, and if, within sixty days after he ceases to perform such labor, he commences such action. Such right of action shall not be lost by reason of a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest. No person who has contracted to furnish labor other than his own in such construction shall have such right of action.

SEC. 30 (as amended 1923, ch. 236). *Eight-hour day.*—The service of all laborers, workmen and mechanics now or hereafter employed by the Commonwealth or any county therein or any town which, by vote of the city council, or of the voters at a town meeting, accepts this section or has accepted section one of chapter two hundred and forty of the General Acts of nineteen hundred and sixteen, or by any contractor or subcontractor for or upon any public works of the Commonwealth or of any county therein or of any such town is hereby restricted to eight hours in any one day and to forty-eight hours in any one week. No officer of the Commonwealth, except as provided herein, or of any county or of any such town, no such contractor or subcontractor or other person whose duty it is to employ, direct or control the service of such laborers, workmen or mechanics shall require or permit any such laborer, workman or mechanic to work more than eight hours in any one day, or more than forty-eight hours in any one week, except in cases of extraordinary emergency. The provisions of this section shall not prohibit the employment by the State department of public works, or by any contractor or subcontractor

for said department, of laborers, workmen and mechanics for more than eight hours in any one day in the construction or reconstruction of highways when, in the opinion of the commissioner of labor and industries, public necessity so requires.

SEC. 31. *Employees in certain cities and towns.*—The service of all laborers, workmen and mechanics now or hereafter employed by any town which has accepted section twenty of chapter one hundred and six of the Revised Laws, or section forty-two of chapter five hundred and fourteen of the Acts of nineteen hundred and nine, or said section forty-two, as affected by chapter four hundred and ninety-four of the Acts of nineteen hundred and eleven, and which has not accepted section one of chapter two hundred and forty of the General Acts of nineteen hundred and sixteen, or by any contractor or sub-contractor for or upon any public works of any such town, is hereby restricted to eight hours in any one day. No officer of any such town, no such contractor or subcontractor or other person whose duty it is to employ, direct or control the service of such laborers, workmen or mechanics shall require or permit any such laborer, workman or mechanic to work more than eight hours in any one day except in cases of extraordinary emergency. But any such town may accept the preceding section and shall thereupon become subject thereto.

SEC. 32. *Definitions.*—In construing sections thirty and thirty-one, engineers shall be regarded as mechanics, and a threat of loss of employment or a threat to obstruct or prevent the obtaining of employment or to refrain from employing in the future shall be considered to be "requiring."

SEC. 33. *Limitation of application.*—It shall not be a violation of section thirty or thirty-one if, in the event of a Saturday half holiday being given to a laborer, workman, or mechanic, his hours of labor upon other working days are increased sufficiently to make a total of forty-eight hours for his week's work.

SEC. 34 (as amended 1924, ch. 237). *Contracts to contain certain stipulations.*—Every contract, except for the purchase of material or supplies, involving the employment of laborers, workmen, or mechanics, to which the Commonwealth or any county or any town, subject to section thirty, is a party, shall contain a stipulation that no laborer, workman, or mechanic working within the Commonwealth, in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one day or more than forty-eight hours in any one week, except in cases of extraordinary emergency, or in case any town subject to section thirty-one is a party to such a contract, more than eight hours in any one day, except as aforesaid: *Provided*, That in contracts entered into by the department of public works for the construction or reconstruction of highways there may be inserted in said stipulation a provision that said department, or any contractor or subcontractor for said department, may employ laborers, workmen, and mechanics for more than eight hours in any one day in such construction or reconstruction when, in the opinion of the commissioner of labor and industries, public necessity so requires. Every such contract not containing the aforesaid stipulation shall be null and void.

SEC. 35. *Violations.*—[Violations of sections 30, 31, or 34 entail a penalty of not over $1,000, or imprisonment not over 6 months, or both.]

SEC. 36. *Exceptions.*—Sections thirty, thirty-one, and thirty-four shall not apply to the preparation, printing, shipment, and delivery of ballots to be used at a caucus, primary, State, city, or town election nor during the sessions of the general court to persons employed in legislative printing or binding; nor shall they apply to persons employed in any State, county, or municipal institution, on a farm, or in the care of the grounds, in the stable, in the domestic or kitchen and dining-room service or in storerooms or offices, or to persons employed by the commissioners of the Massachusetts nautical school, on boats maintained by the State police for the enforcement of certain laws in the waters of the Commonwealth, or in connection with the care and maintenance of State armories, or to the purchase, operation, or lease of farm machinery by the Department of Agriculture.

SEC. 37. *Nine-hour day.*—In any town not subject to section thirty or thirty-one nine hours shall constitute a day's work for all laborers, workmen, and mechanics employed by or on behalf of such town.

SEC. 42. *Day work basis.*—So far as possible, all work by laborers, workmen, and mechanics employed by the Commonwealth or by any officer, department, board, or commission on behalf of the Commonwealth, shall be on the day work basis.

SEC. 43. *Equal opportunity.*—The application of a citizen of the Commonwealth for employment in any department of the Commonwealth or of any political subdivision thereof or in any department of a street railway company, operated, owned, controlled or financially aided in any way by the Commonwealth, or by any political subdivision thereof, shall not be affected by the applicant's national origin, race, or color.

CHAPTER 149.—*Weekly day of rest—Holidays*

SECTION 45. *Labor on legal holidays.*—Whoever requires an employee to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on Sunday, shall be punished by a fine of not more than five hundred dollars.

SEC. 46. *Labor not to make up time lost.*—No person shall require or request any employee of a manufacturing or mechanical establishment to work more hours in any one day than is limited by law, in order to make up time lost by reason of a legal holiday.

SEC. 47. *Sunday labor.*—Whoever, except at the request of the employee, requires an employee engaged in any commercial occupation or in the work of any industrial process not subject to the following section or in the work of transportation or communication to do on Sunday the usual work of his occupation, unless he is allowed during the six days next ensuing twenty-four consecutive hours without labor, shall be punished by a fine of not more than fifty dollars; but this and the following section shall not be construed as allowing any work on Sunday not otherwise authorized by law.

SEC. 48. *One day's rest in seven.*—Every employer of labor engaged in carrying on any manufacturing or mercantile establishment in the Commonwealth shall allow every person, except those specified in section fifty, employed in such manufacturing or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such manufacturing or mercantile establishment on Sunday unless he has complied with section fifty-one. Whoever violates this section shall be punished by a fine of fifty dollars.

SEC. 49. *Exceptions.*—The two preceding sections shall not apply to establishments used for the manufacture or distribution of gas, electricity, milk or water, hotels, restaurants, drug stores, livery stables or garages, nor to the tranportation, sale or delivery of food.

SEC. 50. *Same.*—Sections forty-seven and forty-eight shall not apply to (*a*) janitors; (*b*) watchmen; (*c*) employees whose duties include no work on Sunday other than (1) setting sponges in bakeries, (2) caring for live animals, (3) maintaining fires, (4) caring for machinery; (*d*) employees engaged in the preparation, printing, publication, sale or delivery of newspapers; (*e*) farm or personal service; (*f*) any labor called for by an emergency that could not reasonably have been anticipated.

SEC. 51. *List of persons working on Sunday.*—Before operating on Sunday, every employer subject to section forty-eight shall post in a conspicuous place on the premises a schedule containing a list of his employees who are required or allowed to work on Sunday and designating the day of rest for each, and shall file a copy of such schedule with the department, and promptly file with it a copy of every change therein. No employee shall be required or allowed to work on the day of rest designated for him.

SEC. 52. *Records.*—Every employer subject to section forty-eight shall keep a time book, open to inspection by the department, showing the names and addresses of all employees and the hours worked by each of them in each day. Whoever violates this or the preceding section shall be punished by a fine of fifty dollars.

CHAPTER 149.—*Employment of women and children*

SECTION 53. *Boxes to be provided with casters.*—Boxes, baskets and other receptacles weighing with their contents seventy-five pounds or over, which are to be moved by female employees in any manufacturing or mechanical establishment, shall be provided with pulleys or casters connected with such boxes or other receptacles, so as to be moved easily from place to place in such establishments. Whoever violates this section shall be punished by a fine of not more than fifty dollars for every day during which such violation continues.

SEC. 54. *Employment in core rooms.*—The department shall investigate core rooms where women are employed, and shall make rules regulating the employment of women therein. The rules shall relate to the structure and location of the rooms, the emission of gases and fumes from ovens, and the size and weight which the women shall be allowed to lift or work on. A copy of the rules shall be posted in every core room where women are employed. Whoever violates any such rule shall be punished by a fine of not less than twenty-five nor more than five hundred dollars.

SEC. 55. *Employment before and after childbirth.*—No woman shall knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth. The foregoing provision shall be included in the notice with regard to the employment of women required to be posted in such establishments.

SEC. 56 (as amended 1921, ch 280). *Hours of labor.*—No child and no woman shall be employed in laboring in any factory or workshop, or in any manufacturing, mercantile, mechanical establishment, telegraph office or telephone exchange, or by any express or transportation company, or in any laundry, hotel, manicuring or hair dressing establishment, motion-picture theater, or as an elevator operator, or as a switchboard operator in a private exchange, more than nine hours in any one day except that hotel employees who are not employed in a manufacturing, mercantile or mechanical establishment connected with a hotel may be employed more than nine but not more than ten hours in any one day; and in no case shall the hours of labor exceed forty-eight in a week, except that in manufacturing establishments where the employment is determined by the department to be by seasons, the number of such hours in any week may exceed forty-eight, but not fifty-two: *Provided*, That the total number of such hours in any year shall not exceed an average of forty-eight hours a week for the whole year, excluding Sundays and holidays; and if any child or woman shall be employed in more than one such place, the total number of hours of such employment shall not exceed forty-eight hours in any one week. Every employer, except those hereinafter designated, shall post in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of beginning and stopping work, and the hours when the time allowed for meals begins and ends, or, in case of mercantile establishments and of establishments exempted from sections ninety-nine and one hundred, the time, if any, allowed for meals. The employment of any such person at any time other than as stated in said printed notice shall be deemed a violation of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which such person was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the department, nor shall such overtime employment be authorized because of the stopping of machinery for the celebration of any holiday. Every employer engaged in furnishing public service, or in any other kind of business in respect to which the department shall find that public necessity or convenience requires the employment of children or women by shifts during different periods or parts of the day, shall post in a conspicuous place in every room where such persons are employed a printed notice stating separately the hours of employment for each shift or tour of duty and the amount of time allowed for meals. A list by name of the employees, stating in which shift each is employed, shall be kept on file at each place of employment for inspection by employees and by officers charged with the enforcement of the law. In cases of extraordinary emergency or extraordinary public requirement, this section shall not apply to employers engaged in public service or in other kinds of business in which shifts may be required as hereinbefore stated; but in such cases no employment in excess of the hours hereby authorized shall be considered as legalized until a written report of the day and hour of its occurrence and its duration is sent to the department.

SEC. 57. *Violations.*—[Violations entail a penalty of fine, $50 to $100.]

SEC. 58. *Operating elevators.*—Any law restricting the hours of women and minors laboring in factories or workshops, or in mercantile, manufacturing or mechanical establishments, shall, unless it is otherwise expressly provided,

apply to women and minors operating elevators in such establishments, or in any building occupied in whole or in part by any such establishment, or in any office building.

SEC. 59. *Night work.*—No person, and no agent or officer of a person, shall employ a woman over twenty-one in any capacity for the purpose of manufacturing before six o'clock in the morning or after ten o'clock in the evening, or in the manufacture of textile goods after six o'clock in the evening. Whoever violates any provision of this section shall be punished by a fine of not less than twenty nor more than fifty dollars.

SEC. 60 (as amended 1921, ch. 410). *Age.*—[Except as provided in section 69, children under 14 may not be employed in or about any factory, workshop, mechanical or mercantile establishment, barber shop, public stable, garage, brick or lumber yard, telephone or telegraph office, as bootblack or messenger, in building work, or any contract or wage-earning industry in tenement or other houses; nor in any work for wages during school hours; nor between 6 p. m. and 6.30 a. m.]

SEC. 61. *Dangerous occupations.*—[Children under 16 may not be employed to operate or assist in operating a specified list of machines, etc. For similar list see Delaware Code, sec. 3145.]

SEC. 62. *Dangerous occupations.*—[This section enumerates employments forbidden to children under 18 years of age. For similar law see Delaware Code, sec. 3148.]

SEC. 63. *Power of department.*—[The department of labor and industries may, after hearings duly held, extend the above lists by the inclusion of occupations, processes, etc., found dangerous or injurious to the health or morals of children under 16 or 18 respectively.]

SEC. 64. *Immoral resorts.*—[No minor may be sent to a disorderly house or place of immoral resort or amusement.]

SEC. 65 (as amended 1921, ch. 410). *Hours of labor.*—[No child under 16 may be employed in the establishments named in section 60, or where an employment certificate is required, for more than 6 days or 48 hours per week, nor more than 8 hours per day, nor, except as provided in section 69, between 6 p. m. and 6.30 a. m. Attendance on a continuation school or class is counted as work time.]

SEC. 66. *Night work.*—[Boys under 18 and girls under 21 may not be employed in the establishments named in section 60 between 10 p. m. and 5 a. m., nor in textile establishments after 6 p. m., but girls under 21 may act as telephone operators till 11 p. m.]

SEC. 67. *Hours of labor.*—[Except as provided in section 56, boys under 18 and girls under 21 may not be employed in the establishments, etc., named in section 60 more than 6 days or 54 hours per week, or more than 10 hours in a day.]

SEC. 68. *Messengers.*—[No minor may be employed as messenger or delivery boy between 10 p. m. and 5 a. m., messengers for newspaper offices excepted.]

SEC. 69 (as amended 1921, ch. 410), 70–73. *Street trades.*—[Boys under 12 and girls under 18 in cities of over 50,000 inhabitants may not engage in any trade in any street or public place. No minor over 14 can sell or deliver newspapers and periodicals during school hours nor between 8 p. m. and 6 a. m., nor without a badge. The badge is issued on a finding of physical and mental competence, must be displayed while the holder is working, and can not be transferred. Boys under 16 may not engage in street trades between 9 p. m. and 5 a. m., nor during school hours unless they are holders of an employment certificate.]

SEC. 74. *Schedule to be posted.*—[Except as provided in section 56, a schedule of work time and time for meals for the minors employed in any establishment must be posted therein; employment not in accordance therewith is a violation of the law, and changes may not be made without the consent of the commissioner.]

SEC. 75. *Forms.*—[The forms required to be posted by sections 56 and 74 are to be furnished by the department, on application.]

SECS. 76, 77. *Enforcement.*—[Inspectors and school attendance officers shall enforce the provisions as to factory employments and street trades, respectively.]

SECS. 78–84. *Violations.*—[These sections prescribe penalties on employers, parents, officials, minors and others violating or permitting violations, or hindering the enforcement of the various provisions of the preceding sections.]

Secs. 86 (as amended 1921, ch. 351), 87-93, 94 (as amended 1921, ch. 351), 95-98. *Employment certificates.*—[Employment certificates are required for the employment of children 14 to 16 years of age in any factory, workshop or mechanical or mercantile establishment, issued by the superintendent of schools or a person authorized by him. Conditions are a promise of employment, completion of the sixth grade at school, evidence of age (records or physician's certificate), and certificate of physical fitness. Certificates must be kept on file, and a list of employed children must be posted in the building. Penalties for violation and provisions for enforcement by inspectors and attendance officers are given. These may visit all places of employment and inspect files and lists. Children 16 to 21 must hold educational certificates, and if they have not completed the sixth grade, attendance on evening schools or a day school is a condition of employment.]

Sec. 99. *Time for meals.*—Women and children, five or more in number, who are employed in the same factory shall be allowed their mealtimes at the same hour, except that any such persons who begin work in such factory at a later hour in the morning than other such persons employed therein may be allowed their mealtimes at a different hour; but no such persons shall be employed during the regular meal hour in tending the machines or doing the work of any other women or children in addition to their own.

Sec. 100. *Rest period.*—No child or woman shall be employed for more than six hours at one time in a factory or workshop in which five or more such persons are employed without an interval of at least forty-five minutes for a meal; but such child or woman may be so employed for not more than six and one half hours at one time if such employment ends not later than one o'clock in the afternoon and if he or she is then dismissed from the factory or workshop for the remainder of the day; or for not more than seven and one-half hours at one time if he or she is allowed sufficient opportunity for eating a lunch during the continuance of such employment, and if such employment ends not later than two o'clock in the afternoon, and he or she is then dismissed from the factory or workshop for the remainder of the day. An employer, superintendent, overseer or agent who violates any provision of this or the preceding section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Sec. 101. *Exemptions.*—The two preceding sections shall not apply to iron works, glass works, paper mills, letterpress establishments, print works, bleaching works or dyeing works; and the department, if it is proved to its satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such class, to exempt it from the two preceding sections and that such exemption can be made without injury to the health of the women or children affected thereby, may, with the approval of the governor, issue a certificate granting such exemption, public notice whereof shall, without expense to the Commonwealth, be given in the manner directed by said department.

Sec. 102. *Responsibility of employer.*—If a minor or a woman shall, without the orders, consent or knowledge of the employer or of the superintendent, overseer or other agent of the employer, labor in a manufacturing or mechanical establishment, factory or workshop during a part of any time allowed for meals in such establishment, factory or workshop, according to the notice required by section fifty-six, and if a copy of such notice was posted in a conspicuous place in the room where such labor was performed, with a rule of the establishment, factory or workshop forbidding such minor or woman to labor during such time, neither the employer nor a superintendent, overseer or other agent of the employer shall be held responsible for such labor.

Sec. 103. *Seats.*—Whoever employs women or children in any manufacturing, mechanical or mercantile establishment shall provide for their use and permit them to use suitable seats whenever they are not necessarily engaged in the active duties of their employment, and shall also provide for their use and permit them to use suitable seats while at work, except when the work can not properly be performed in a sitting position. Whoever violates this section shall be punished by a fine of not less than ten nor more than thirty dollars.

Sec. 104. *Acrobatic, mendicant, etc., occupations.*—[Acrobatic, mendicant, etc., occupations are forbidden to children under 15. For the text of a similar law, see Delaware Code, sec. 2223.]

SECTION 106. *Drinking water.*—All industrial establishments shall provide fresh and pure drinking water to which their employees shall have access during working hours. Any person owning, in whole or in part, managing, controlling or superintending any industrial establishment in which this section is violated shall, on the complaint of the local board of health, the selectmen of a town or an inspector, be punished by a fine of one hundred dollars.

SEC. 107. *Water for humidifying.*—The water used for humidifying purposes by any person operating a factory or workshop shall be of such degree of purity as not to give rise to any impure or foul odors, and shall be so used as not to be injurious to the health of persons employed in such factories or workshops. Whoever violates this section shall be punished by a fine not less than ten nor more than one thousand dollars.

SECS. 108-110. *Measure of humidity.*—[Thermometers or other devices must be provided and kept in order, to record the degree of humidity in the weaving and spinning departments of textile factories where water is used for humidifying purposes. The number of daily readings and standards of humidity and temperature are prescribed.]

SEC. 111. *Sources of water for humidifying.*—Water used for humidifying purposes in a textile factory shall be taken either from a public supply of drinking water, or from some other source of pure water, or from a supply of water which, although in the opinion of the department not suitable for drinking purposes, is sufficiently free from impurities to be not dangerous to the health of employees when used for humidifying purposes; and all ducts for the introduction or distribution of humidified air shall be kept clean.

SEC. 112. *Violations.*—Whoever fails to comply with any provision of sections one hundred and eight to one hundred and eleven, inclusive, after being requested so to do by an inspector, shall be punished by a fine of not more than fifty dollars.

SEC. 113. *Lighting, ventilation, etc.*—Every factory, workshop, manufacturing, mechanical and mercantile establishment shall be well lighted, well ventilated and kept clean and free from insanitary conditions, according to reasonable rules and regulations adopted by the department with reference thereto.

SEC. 114. *Effect of industries on eyesight.*—The industrial health inspectors shall, when obtaining information concerning the proper lighting of industrial establishments, make such investigation concerning the eye and vision in their relation to occupational diseases, including injuries to the eyes of employees and to the pathological effects produced or promoted by the circumstances under which the various occupations are carried on, as in the opinion of the department is practicable, and it shall from time to time issue such printed matter containing suggestions to employers and employees for the protection of the eyes of the employees as it may deem advisable.

SEC. 115. *Preventing injury to eyes.*—If it appears to an inspector that in any industrial establishment, from the nature of the work or the machinery used in connection therewith, or from other circumstances, there is danger of injury to the eyes of employees engaged in such work, and that the danger of injury may be decreased or prevented by any mechanical device or other practicable means, he shall, if the department so directs, order in writing that such device or other means shall be provided therein; and the proprietors and managers of the industrial establishment shall comply with the order. Violations of this section shall be punished by a fine of not less than five nor more than two hundred dollars for each week during which the violation continues, but a criminal prosecution for such violation shall not be begun unless a person has for four weeks after the receipt of a written order from an inspector neglected to comply therewith.

SEC. 116. *Lighting.*—Upon the request of any inspector of the division of inspection of the department of public safety or upon the request of any five employees in a factory or workshop, the department shall investigate and ascertain whether or not such factory or workshop is inadequately lighted. If the department is of opinion, after such investigation, that the factory or workshop is not properly lighted, it shall notify the owner or person in charge, and shall specify what changes should be made in order to light it properly, and the owner or lessee thereof shall make the changes so specified as soon as it can be done with reasonable diligence. If such owner or lessee fails to comply

with any such order he shall be punished by a fine of not more than five hundred dollars, provided such failure is not the result of causes beyond his control.

SEC. 117. *Ventilation.*—A factory where five or more persons and a workshop where five or more women or children are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein, and so that all gases, vapors, dust or other impurities injurious to health, generated in the course of the manufacturing process or handicraft carried on therein, shall so far as practicable be rendered harmless.

SEC. 118. *Dust removal.*—If, in such a workshop or factory, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

SEC. 119. *Hoods for grinding machines.*—Any person operating a factory or workshop where emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the following section, which apparatus shall be so placed and operated as to protect any person using such wheel or belt from the particles or dust produced by its operation, and to convey the particles or dust either outside of the building or to some receptacle so placed as to receive and confine them.

SEC. 120 (as amended 1921, ch. 50). *Same.*—Every such wheel shall be fitted with a hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force; and the fans or blowers shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient to convey all particles or dust from the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid. The hoods or hoppers shall be so constructed and the suction pipes and connections shall be suitable and efficacious and such as shall be approved by the department.

SEC. 121. *Exemption from application.*—The two preceding sections shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in sawmills or in planing mills or in other woodworking establishments, nor to any emery wheel six inches or less in diameter used in establishments where the principal business is not emery wheel grinding.

SEC. 122. *Violations.*—[Violations of sections 117 to 121, inclusive, are punishable by fine, $25 to $100, or imprisonment 2 months, or both, for subsequent offense; prosecution only after four weeks' neglect of notice.]

SEC. 123. *Inspection.*—Inspectors, upon receipt of a notice signed by any person having knowledge of the facts that any factory or workshop subject to sections one hundred and nineteen and one hundred and twenty is not provided with the apparatus prescribed thereby, shall visit and inspect such factory or workshop, and for that purpose may enter therein during working hours; and if they ascertain that the owner, proprietor or manager thereof has failed to comply with said sections, they shall make complaint to a court or trial justice having jurisdiction, and cause such owner, proprietor, or manager to be prosecuted.

SEC. 124. *Communication with engine room.*—In every manufacturing establishment where the machinery is operated by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed by means of speaking tubes, electric bells or appliances to control the motive power, or such other means as shall be satisfactory to an inspector, if in his opinion such communication is necessary.

SEC. 125. *Violations.*—[Violations of the foregoing section are punishable as in sec. 122.]

SEC. 126. *Locking doors.*—No outside or inside doors of any building where operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. Any person having charge of a building or room therein any exit door of which shall be found locked, bolted or otherwise fastened contrary to this section shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonmen for not more than one year, or both.

SEC. 127. *Guards for gears.*—The belting, shafting, gearing, drums and all machinery having movable parts in all factories, workshops, mechanical, and mercantile establishments, if so placed as, in the opinion of the department, to be dangerous to employees while engaged in their ordinary duties, shall be securely guarded so far as practicable. No machinery except steam engines in a factory, workshop, mechanical or mercantile establishment shall be cleaned while running if written objection is made by an inspector.

SEC. 128. *Traversing machinery in cotton mills.*—The owner of a cotton factory erected after May twenty-eighth, eighteen hundred and ninety-six, in which there is any traversing carriage of a self-acting mule installed, or of any cotton factory erected previously to such date in which thereafter such traversing carriage is installed, who permits such carriage to travel within twelve inches of any pillar, column, pier or fixed structure shall be punished by a fine of not less than twenty nor more than fifty dollars.

SEC. 129. *Openings in hoistways.*—The openings of hoistways, hatchways and well holes upon every floor of a factory or mercantile building shall be protected by sufficient trapdoors or self-closing hatches, or such other safeguards as an inspector directs; and due diligence shall be used to keep such trapdoors closed at all times except when in actual use by the occupant of the building having the use and control of the same.

SEC. 130. *Storage of explosives.*—Explosive or inflammable compounds shall not be so stored or used in any factory as to obstruct or render hazardous the egress of operatives in case of fire.

SEC. 131. *Guards for shuttles.*—Any person owning, managing or operating a factory where looms are used shall equip them with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms. Such guards or devices shall be made of such material and be placed in such manner as shall be approved by the department. Whoever violates this section shall be punished by a fine of not more than one hundred dollars for every week during which the violation continues.

SEC. 132. *Suction shuttles.*—No proprietor of a factory nor any officer or agent or other person shall require or permit the use of suction shuttles, or any form of shuttle in the use of which any part of the shuttle or any thread is put in the mouth or touched by the lips of the operator. Whoever violates this section shall be punished by a fine of not less than fifty dollars.

SECS. 133–138. *Toilets.*—[These sections require adequate and convenient water closets and washing facilities in industrial establishments, separate provisions to be made for the two sexes. If a lessee makes changes on orders from an inspector, he may recover an equitable amount from the owner. A special provision requires washing and dressing rooms in foundries where ten or more men are employed, with running hot and cold water, and a separate water closet, both to be connected with the foundry building, and properly heated and ventilated.]

SEC. 139. *Lockers.*—In any mercantile or manufacturing establishment or hotel where the nature of the work renders it necessary for any or all employees, before beginning work, to make a substantially complete change of clothing, exclusive of underclothing, separate lockers, closets or other receptacles, each with a lock and key, shall be provided for the use of such employees. Whoever violates this section shall be punished by a fine of not less than five nor more than twenty dollars.

SEC. 140. *Receptacles for expectoration.*—Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form, construction and number as shall be satisfactory to the board of health of the town where the factory or workshop is situated.

SEC. 141 (as amended, 1921, ch. 53). *Medical chest, etc.*—Every person operating a factory, shop, or mechanical establishment where machinery is used for any manufacturing or other purpose except for elevators, or for heating or hoisting apparatus shall keep and maintain, free of expense to the employees, such medical or surgical chest, or both, as shall be required by the department, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and appliances for the treatment of persons injured or taken ill upon the premises. Every such person employing one hundred or more persons shall, if so required by the department, provide accommodations satisfactory to it, for the treatment of persons injured or taken ill upon the premises, and also suitable and sanitary facilities for heating or warming food to be consumed by those employees of the factory, shop or mechanical establishment who so desire. Every person carrying on a mercantile establishment

where twenty or more women or children are employed shall in the manner aforesaid provide such medical and surgical chest as the department may require. Whoever violates any provision hereof shall be punished by a fine of not less than five nor more than five hundred dollars for every week during which such violation continues.

SEC. 142. *Cloths for cleaning printing presses.*—All publishers and printers shall use a sanitary cloth or other sanitary material in cleaning their presses.

CHAPTER 149.—*Manufactures in tenements*

SECTION 143. *Licensing, inspection, and registration.*—A room or apartment in a tenement or dwelling house shall not be used for the purpose of making, altering, repairing, or finishing therein wearing apparel of any description, except by the members of the family dwelling therein; and a family desiring to make, alter, repair, or finish wearing apparel of any description in a room or apartment in a tenement or dwelling house shall first procure a license therefor from the department. A license may be applied for by and issued to any member of a family desiring to do such work. No person shall hire, employ, or contract with a member of a family which does not hold a license therefor to make, alter, repair, or finish such wearing apparel in any room or apartment in a tenement or dwelling house as aforesaid. Every room or apartment where such wearing apparel is made, altered, repaired, or finished shall be kept in a cleanly condition and be subject to the inspection and examination of the department to ascertain whether said room or apartment or such wearing apparel or any parts thereof are clean and free from vermin and from infectious or contagious matter. A room or apartment in a tenement or dwelling house, which is not used for living or sleeping purposes and is not connected with a room or apartment used for living or sleeping purposes and has a separate and distinct entrance from the outside shall not be subject to this section, nor shall this section prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for the use of such person or family. Every person hiring, employing, or contracting with a member of a family holding a license hereunder for making, altering, repairing, or finishing wearing apparel to be done outside the premises of such person shall keep a register of the names and addresses plainly written in English of the persons so hired, employed, or contracted with, and shall forward a copy of such register once a month to the department.

SEC. 144. *Disease.*—If an inspector finds evidence of infectious or contagious disease or of vermin present in a workshop, or in a room or apartment in a tenement or dwelling house where wearing apparel is made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the department, which shall notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop, tenement or dwelling house is in an unhealthy condition, and that the clothing and materials used therein are unfit for use, it shall issue such orders as public safety may require.

SEC. 145. *Tags required, when.*—Whoever sells or exposes for sale wearing apparel of any description made in a tenement or dwelling house for which the family dwelling therein has not procured the license required by section one hundred and forty-three shall have affixed to each article of wearing apparel a tag or label not less than two inches in length and one inch in width, upon which shall legibly be printed or written the words "tenement made" and the name of the State and town where such article was made.

SEC. 146. *Violations.*—No person shall sell or expose for sale any such article of wearing apparel without a tag or label as aforesaid affixed thereto, or willfully remove, alter or destroy such tag or label upon any such article when exposed for sale, or sell or expose for sale any such article with a false or fraudulent label affixed thereto. Whoever violates any provision of this section or section one hundred and forty-three or one hundred and forty-five shall be punished by a fine of not less than fifty nor more than five hundred dollars.

SEC. 147. *Clothing made outside State.*—If it is reported to an inspector or to the department that ready-made articles of wearing apparel of any description are being shipped to this Commonwealth, having been manufactured under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture; and if they contain vermin or have been made in improper places or under unhealthy conditions, he shall so report to the department, which shall thereupon notify the department of public health, which shall make such orders as are necessary to protect the public health.

CHAPTER 149.—*Payment of wages—Weekly pay day*

SECTION 148 (as amended 1924, ch. 145). *Who to pay wages weekly.*—Every person engaged in carrying on in a city a hotel or club, and every person engaged in carrying on within the Commonwealth a theater, moving picture house, dance hall, factory, workshop, manufacturing, mechanical or mercantile establishment, mine, quarry, railroad or street railway, or telephone, telegraph, express, transportation or water company, or in the erection, alteration, repair or removal of any building or structure, or the construction or repair of any railroad, street railway, road, bridge, sewer, gas, water or electric-light works, pipes or lines, shall pay weekly each employee engaged in his business, and every person employing musicians, janitors, porters or watchmen shall pay weekly each such employee, the wages earned by him to within six days of the date of said payment if employed for six days in a week or to within seven days of the date of said payment if employed seven days in the week, or, in the case of an employee who has worked for a period of less than six days, hereinafter called a casual employee, shall, within seven days after the termination of such period, pay the wages earned by such casual employee during such period; but any employee leaving his employment shall be paid in full on the following regular pay day; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in Boston as soon as the laws requiring pay rolls, bills and accounts to be certified shall have been complied with; and the Commonwealth, its departments, officers, boards and commissions shall so pay every mechanic, workman and laborer employed by it or them, and every person employed by it or them in any penal or charitable institution, and every county and city shall so pay every employee engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. This section shall not apply to an employee of a cooperative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly, nor to casual employees, as hereinbefore defined, employed by the Commonwealth or by a county, city or town. The department of public utilities, after hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No person shall by a special contract with an employee or by any other means exempt himself from this section or section one hundred and fifty. Whoever violates this section shall be punished by a fine of not less than ten nor more than fifty dollars.

SEC. 149. *Warrant for violation.*—A justice or clerk of a district court, or a trial justice, may upon the application of any employee issue a summons to an employer to appear and show cause why a warrant should not issue against him for a violation of the preceding section. Upon the return of such summons and after a hearing the justice may issue a warrant upon the complaint of any such employee.

SEC. 150. *Complaint for violation.*—The department may make complaint against any person for a violation of section one hundred and forty-eight within three months after the date thereof. On the trial no defense for failure to pay as required, other than the attachment of such wages by trustee process or a valid assignment thereof or a valid set-off against the same, or the absence of the employee from his regular place of labor at the time of payment, or an actual tender to such employee at the time of payment of the wages so earned by him, shall be valid. The defendant shall not set up as a defense a payment of wages after the bringing of the complaint. An assignment of future wages payable weekly under section one hundred and forty-eight shall not be valid if made to the person from whom such wages are to become due or to any person on his behalf, or if made or procured to be made to another person for the purpose of relieving the employer from the obligation to pay weekly.

SEC. 151. *Payment during work time.*—Persons carrying on any manufacturing business employing one hundred or more persons shall, on the day chosen as pay day, pay such of their employees as are on that day working in the manufacturing establishment, before the close of the regular working hours.

Sec. 152. *Deductions for tardiness.*—There shall not be deducted from the wages of an employee in any factory, workshop, manufacturing, mechanical or mercantile establishment, or from the wages of a mechanic, workman or laborer, on account of the employee's coming late to work, a sum in excess of the proportionate wage which would have been earned during the time actually lost. Whoever violates this or the preceding section shall be punished by a fine of not more than fifty dollars.

Sec. 153. *Fines for imperfect weaving.*—No system used by manufacturers for grading the work of a weaver shall affect or lessen the wages of the weaver except for imperfections in his own work; and in no case shall the wages of those engaged in weaving be affected by fines or otherwise unless the imperfections complained of are first exhibited and pointed out to the person whose wages are to be affected; and a fine shall not be imposed upon any person for imperfect weaving unless this section is first complied with and the amount of the fines is agreed upon by both parties.

Sec. 154. *Same.*—No employer shall impose a fine upon an employee engaged at weaving for imperfections arising during the process of weaving. Whoever violates this or the preceding section shall for the first offense be punished by a fine of not more than one hundred dollars and for a subsequent offense by a fine of not more than three hundred dollars.

Sec. 155. *Specifications for weavers.*—The occupier or manager of every cotton factory shall supply to each person engaged as a weaver in said factory and paid by the piece, cut or yard a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid: The number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person engaged as a frame tender a specification of the number of roving and price per hank, and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation, and to each operative paid by the pound a specification of the price to be paid per pound; said specification shall be furnished in each case on a printed or written ticket within three days after said operative begins work.

Sec. 156. *Nature of specifications.*—The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. In spooling rooms the boxes shall bear a ticket stating the number of pounds the box contains and the price per pound. The maximum length of a cut or piece shall not exceed its intended length by more than three per cent; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this section, it shall be deemed a sufficient defense to a prosecution. The said specifications shall also contain a detailed schedule of the method of computation of the price of cotton or silk or mixed cotton and silk weaving to be paid by the said occupier or manager, and no particular in the specifications shall be expressed by means of symbols, but every particular shall be sufficiently clear and complete to enable the operative to determine readily the price payable for the cut or piece.

[Violation entails a fine of $100 for first offense, $200 for second, and $500 or imprisonment 1 month, or both, for a subsequent offense.]

Sec. 157. *Violations.*—[Violations of sec. 155 are punishable, for a first offense, by a fine, $25 to $50; and for subsequent offenses, $50 to $100. Interfering with an inspector in enforcing secs. 155 and 156 is similarly punishable.]

Sec. 158. *Deductions for stoppage of machinery.*—Deductions shall not be made from the wages of women or children paid by the day or hour, and employed in manufacturing or mechanical establishments, while machinery is stopped, if said women or children are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if they are

detained in their workrooms during such time they shall not be compelled to make up time lost by such stopping unless compensated therefor at their regular rates of wages. Whoever violates this section shall be punished by a fine of not more than twenty dollars.

SEC. 159. *Notice of discharge.*—A person engaged in manufacturing who requires from his employees, under penalty or forfeiture of a part of the wages earned by them, a notice of intention to leave such employ shall be liable to a like forfeiture if, without similar notice, he discharges an employee.

CHAPTER 149.—*Public employment offices*

SECTION 160. *Establishment.*—The department may establish and maintain in such cities as may be selected by it after investigation, with the approval of the governor and council, employment offices for the purpose of bringing together those seeking employment and those desiring to employ, and may maintain such offices now established. The commissioner shall make an annual report as to free employment offices.

SEC. 161. *Superintendent and clerks.*—The commissioner shall appoint for each of the offices provided for in the preceding section a superintendent who shall, under the direction of the commissioner, perform the duties hereinafter set forth or such as he may require. The commissioner may also appoint an assistant superintendent and such clerks as he may deem necessary for the proper conduct of the business of said employment offices. The location of each office established under the preceding section shall be plainly indicated by a proper sign.

SEC. 162. *Records; information regarding strikes.*—The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the commissioner, and shall take such other action as the commissioner may deem best to promote the purposes of said offices. Said superintendents shall also receive applications from alien immigrants seeking employment in agricultural labor and from those desiring to employ immigrants in agricultural labor, and shall take such other action as the commissioner may deem best to promote a more general distribution of alien immigrants throughout the agricultural sections of the Commonwealth.

In directing applicants for employment to an employer in whose establishment a strike is in progress, the commissioner, superintendents or other departmental employees shall inform the applicant of the strike.

SEC. 163. *Fees prohibited.*—No fees shall in any case be taken from those seeking the benefits of said employment offices. Any superintendent or clerk who directly or indirectly charges or receives any fee in the performance of his duties shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than one month, and shall be disqualified from holding further connection with said office.

SEC. 164. *Preference to residents.*—In registering applications for employment and for employees wanted, preference shall be given to residents of the Commonwealth.

SEC. 165. *Reports.*—Each superintendent shall make to the commissioner such reports of applications for labor or employment and of other details of the work of his office as the commissioner may require. The commissioner shall cause reports showing the business of the several offices to be prepared at regular intervals and to be exchanged among the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall post such reports in a conspicuous place in their offices so that they may be open to public inspection.

SEC. 166. *Appropriation.*—There shall be allowed and paid, upon the approval of the commissioner, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices, such sum as the general court may annually appropriate therefor.

SEC. 167. *Information regarding demands.*—The commissioner may furnish weekly to the clerks of all towns in the Commonwealth printed bulletins showing the demand for employment, classified by occupations to such extent as may be practicable and indicating the town where the employees are wanted. Such information shall be based on the applications for employees under this chapter.

SEC. 168. *Posting.*—Every town clerk shall post the lists received as aforesaid in one or more conspicuous places in the town. A town clerk who fails to comply with this section shall be punished by a fine of not more than ten dollars.

CHAPTER 149.—*Statistics of labor and manufactures*

SECTIONS 169–172. *Reports.*—[The commissioner is to make annual reports of statistical information obtained by him. The attendance of witnesses with books and papers may be required, and examinations had under oath. The data called for may include capital, products, number of employees by sex and whether adults or children, wages, weeks of operation, etc. Such information is confidential, and must not be so used as to disclose private affairs.]

CHAPTER 149.—*Employers' liability—Waivers*

SECTION 177A (added 1922, ch. 215). *Waivers forbidden.*—No person shall, by a special contract with his employees, exempt himself from liability which he may be under to them for injuries suffered by them in their employment and resulting from the negligence of the employer or of a person in his employ.

CHAPTER 149.—*Posting notices, etc.*

SECTION 179. *Powers of department.*—The department may require employers to post in conspicuous positions in any place of employment such placards, posters or signs for the information of employees as it may issue.

CHAPTER 149.—*Public works—Preference of citizens*

SECTION 179A (added 1922, ch. 517). *Preference directed.*—In the awarding of contracts for public work by the Commonwealth or by a county, city or town or by persons contracting therewith to do such work, preference shall be given to persons who are citizens of the United States and to partnerships, all of whose members are such citizens. Any person who knowingly and willfully violates this section shall be punished by a fine of not more than two hundred dollars. Nothing in this section shall require the acceptance of a higher bid in preference to a lower bid.

CHAPTER 150.—*Conciliation and arbitration—State board*

SECTION 1. *Duties of board.*—The board of conciliation and arbitration of the department of labor and industries, in this chapter called the board, shall perform the duties required by this chapter.

SEC. 2. *Rules of procedure.*—The department of labor and industries shall from time to time establish rules of procedure for the board.

SEC. 3. *Conciliation and investigation.*—The mayor of a city or the selectmen of a town, having knowledge that a strike or lockout is seriously threatened or has actually occurred therein, shall at once give notice to the board. Notice may be given by the employer or by the employees concerned in the controversy, strike or lockout. When the board has knowledge that a strike or lockout, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, and such employer at that time is employing, or upon the occurrence of the strike or lockout was employing, not less than twenty-five persons in the same general line of business in any town in the Commonwealth, the board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement, or endeavor to persuade them to submit the controversy to a local board of conciliation and arbitration established under section nine or to the board. If a settlement is not agreed upon and the parties refuse to submit the matter in dispute to arbitration, the board shall investigate the cause of such controversy and ascertain which of the parties thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall, unless a settlement of the controversy is reached, make and publish a report finding such cause and assigning such responsibility or blame. The board may employ agents to assist in said investigation. It shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects or threatens seriously to affect the public welfare. The board shall have the same powers for the foregoing purpose as are given to it by sections five to eight, inclusive. The board shall by publication or otherwise inform employers and employees of their duty to give notice to the board before resorting to a strike or lock-

out and of the provisions of this chapter affecting the rights of employers and employees relative to industrial disputes.

SEC. 4. *Advertising during strikes.*—The provisions of sections twenty-two and twenty-three of chapter one hundred and forty-nine relative to advertising during strikes shall cease to be operative when the board shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. Upon the application of the employer, this question shall be determined by said board, but only after a full hearing at which all persons involved shall be entitled to be heard and represented by counsel. The board shall give at least three days' notice of the hearing to the strikers and employees by publication in at least three daily newspapers published in the Commonwealth, and by mailing a copy of said notice, postage prepaid, to the employers and to the accredited representatives of the strikers or workmen interested, when their addresses are known; and in every case the board shall make every reasonable and diligent effort to give notice to said strikers or interested workmen.

SEC. 5. *Arbitration.*—If a controversy not involving questions which may be the subject of an action at law or suit in equity exists between a person employing not less than twenty-five persons in the same general line of business and his employees, the board shall, upon application as provided in the following section, as soon as practicable visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry outside the Commonwealth. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the town in which said business is carried on. Said decision shall for six months be binding upon the parties who join in said application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work.

SEC. 6. *Application for arbitration.*—The application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lockout or strike until the decision of the board, if made within three weeks after the date of filing the application. The board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof, notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

SEC. 7. *Assistants.*—In all controversies in which application is made under the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board, and the board may appoint one from among the persons so nominated by each party. If the application is signed by both parties, the board shall employ special experts at the request of either party. One such expert shall be selected from a list furnished by each party to the controversy. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists; they shall be sworn by a member of the board to the faithful performance of their official duties, and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and under its direction shall obtain and report information concerning the wages paid and the

methods and grades of work prevailing in establishments within the Commonwealth similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. Such experts shall receive from the Commonwealth a sum not exceeding ten dollars each for every day of actual service and their necessary traveling expenses. The board may appoint such additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties.

Sec. 8. *Witnesses.*—In all investigations, and inquiries or proceedings conducted by the board, any member thereof may summon witnesses, may administer oaths, take testimony, and require the production of books and documents. Each witness shall certify in writing the amount of his travel and attendance, and the amount due to him shall be paid forthwith by the board.

Sec. 9. *Local boards.*—The parties to any controversy described in section five may submit it in writing to a local board of conciliation and arbitration, which may be composed either of three members mutually agreed upon, or of a member chosen by the employer, a member chosen by the employees or their authorized representative, and a third, who shall be chairman, chosen by the other two. Such local board shall have and exercise, relative to matters referred to it, all the powers of the State board, and its decision shall have such binding effect as may be agreed upon in the written submission. Such local board shall have exclusive jurisdiction of the controversy submitted to it, but it may ask the advice and assistance of the board. The decision of such local board shall be rendered within ten days after the close of any hearing held by it, and shall forthwith be filed with the clerk of the city or town where the controversy arose, and a copy thereof shall be forwarded by said clerk to the State board. Each of such arbitrators shall be entitled to receive from the treasury of the city or town where the controversy arose, with the approval in writing of the mayor of the city or the selectmen of the town, the sum of three dollars for each day of actual service, not exceeding ten dollars for any one arbitration.

Sec. 10. *Report.*—The commissioner of labor and industries shall make an annual report of the acts of the board in performing the duties required by this chapter.

Chapter 151.—*Employment of women and children—Minimum wages*

Section 1. *Investigation.*—The board of conciliation and arbitration of the department of labor and industries in performing the duties required by this chapter shall be known as the minimum wage commission, in this chapter called the commission. It shall investigate the wages paid to female employees in any occupation if it has reason to believe that the wages paid to a substantial number of such employees are inadequate to supply the necessary cost of living and to maintain the worker in health.

Sec. 2. *Wage boards.*—If after such investigation the commission is of the opinion that in the occupation in question the wages paid to a substantial number of female employees are inadequate to supply the necessary cost of living and to maintain the worker in health, it shall establish a wage board consisting of an equal number of representatives of employers in the occupation in question, and of persons to represent the female employees in said occupation, and of one or more disinterested persons appointed by it to represent the public; but the representatives of the public shall not exceed one half of the number of representatives of either of the other parties. The commission shall give notice to employers and employees in said occupation by publication or otherwise of its determination to establish a wage board and of the number of representatives of employers and of employees to be chosen therefor, and shall request that said employers and employees, respectively, nominate such representatives by furnishing names to it.

The representatives of employers and employees shall be selected by the commission from names furnished by the employers and by the employees, respectively: *Provided*, That the same are furnished within ten days after such request: *And provided further*, That at least twice as many names respectively are furnished as are required. If less than this number of names are furnished for representatives, either of employers or of employees, at least one half the

names so furnished shall be selected, and the remaining places necessary may be filled by the commission by appointments made directly from employers, including officers of corporations, associations, and partnerships, or from employees in the occupation, as the case may be. The commission shall designate as chairman one of the representatives of the public, and shall make rules and regulations governing the selection of members and the modes of procedure of the wage boards, and shall exercise exclusive jurisdiction over all questions rising with reference to the validity of the procedure and of the determinations of the wage boards. The members of wage boards shall be compensated at the same rate as jurors, and they shall be allowed the necessary traveling and clerical expenses incurred in the performance of their duties, these payments to be made from the appropriation for the expenses of the commission. The commission may fill vacancies arising in a duly constituted wage board by appointing a sufficient number of suitable persons to complete the representation of the employers, employees or public, as the case may be.

SEC. 3. *Duties of wage boards.*—The commission may transmit to each wage board all pertinent information in its possession relative to the wages paid in the occupation in question. Each wage board shall take into consideration the needs of the employees, the financial condition of the occupation and the probable effect thereon of any increase in the minimum wages paid, and shall endeavor to determine the minimum wage, whether by time rate or piece rate, suitable for a female employee of ordinary ability in the occupation in question, or for any or all of the branches thereof, and also suitable minimum wages for learners and apprentices and for minors under eighteen. When a majority of the members of a wage board shall agree upon minimum wage determination, they shall report such determination to the commission, together with the reasons therefor and the facts relating thereto.

SEC. 4. *Action on determinations of wage boards.*—Upon receipt of a report from a wage board, the commission shall review the same, and may approve or disapprove any or all of the determinations recommended, or may recommit the subject to the same wage board or to a new one. If the commission approves any or all of the determinations of the wage board it shall, after not less than fourteen days' notice to employers paying a wage less than the minimum wage approved, give a public hearing to such employers, and if, after such public hearing, the commission finally approves the determination, it shall enter a decree of its findings and note thereon the names of employers, so far as they may be known to it, who fail or refuse to accept such minimum wage and agree to abide by it. The commission shall thereafter publish at such times and in such manner as it may deem advisable a summary of its findings and of its recommendations. It shall also at such times and in such manner as it shall deem advisable publish the facts, as it may find them to be, as to the acceptance of its recommendations by the employers engaged in the industry to which any of its recommendations relate, and may publish the names of employers whom it finds to be following or refusing to follow such recommendations.

An employer who files a declaration under oath in the supreme judicial or superior court to the effect that compliance with the recommendation of the commission would render it impossible for him to conduct his business at a reasonable profit shall be entitled to a review of said recommendation by the court under the rules of equity procedure. The burden of proving the averments of said declaration shall be upon the complainant. If, after such review, the court finds the averments of the declaration to be sustained, it may issue an order restraining the commission from publishing the name of the complainant as one who refuses to comply with its recommendations. But such review, or any order issued by the court thereupon, shall not be an adjudication affecting the commission as to any employer other than the complainant, and shall in no way affect its right to publish the names of those employers who comply with its recommendations. The type in which the employers' names shall be printed shall not be smaller than that in which the news matter of the newspaper is printed. The publication shall be attested by the signatures of at least a majority of the commission.

SEC. 5. *Revision of decrees.* Whenever a minimum wage rate has been established in any occupation, the commission may, upon petition of either employers or employees, or in its opinion such action is necessary to meet changes in the cost of living may without such petition, reconvene the wage board or establish a new one, and any recommendation made by such wage board shall be dealt with in the same manner as the original recommendation of a wage board.

SEC. 6. *Special license.*—For any occupation in which a minimum time rate only has been established, the commission may issue to any woman physically defective a special license authorizing the employment of the licensee for a wage less than the legal minimum wage: *Provided*, That it is not less than the special minimum wage for that person.

SEC. 7. *Rates for minors.*—The commission may at any time inquire into the wages paid to minors in any occupation in which the majority of employees are minors, and may, after giving public hearings, determine minimum wages suitable therefor. When the commission has made such a determination, it may proceed in the same manner as if the determination had been recommended to it by a wage board.

SEC. 8. *Records.*—Every employer of women and minors shall keep a register of the names, addresses, and occupations of all women and minors employed by him, together with a record of the amount paid each week to each woman and minor, and if the commission shall so require, shall also keep for a specified period, not exceeding six months, a record of the hours worked by such employees, and shall, on request of the commission or of the department of labor and industries, permit the commission or any of its members or agents, or the department or any duly accredited agent thereof, to inspect the said register and to examine such parts of the books and records of employers as relate to the wages paid to women and minors, and the hours worked by such employees. Any employer failing to keep a register or records as herein provided, or refusing to permit their inspection or examination shall be punished by a fine of not less than five nor more than fifty dollars. The commission may also subpœna witnesses, administer oaths and take testimony, and require the production of books and documents. Such witnesses shall be summoned in the same manner and be paid by the Commonwealth the same fees as witnesses before the superior court.

SEC. 9. *Statistical information.*—Upon request of the commission, the department of labor and industries shall cause to be gathered such statistics and other data as the commission may require, and the cost thereof shall be paid out of the appropriation made for the expenses of the commission in reference to the minimum wage.

SEC. 10. *Discrimination against employees.*—No employer shall discharge or in any other manner discriminate against any employee because such employee has testified, or is about to testify, or has served or is about to serve upon a wage board, or is or has been active in the formation thereof, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify, or may serve upon a wage board, or may give information concerning the conditions of the employee's employment, in any investigation or proceeding relative to the enforcement of this chapter. Whoever violates this section shall be punished by a fine of not less than two hundred nor more than one thousand dollars.

SEC. 11. *Inspection.*—The commission shall from time to time determine whether employers in each occupation investigated are obeying its decrees, and shall publish in the manner provided in section four, the name of any employer whom it finds to be violating any such decree.

SEC. 12. *Refusal to publish findings.*—[This section proposed fines for newspapers refusing to publish names of recalcitrant employers. It was declared unconstitutional as interfering with the rights of publishers to make their own contracts. *Com. v.* Boston Transcript Co. (1924), 144 N. E. 400.]

SEC. 13. *Action for damages.*—No member of the commission and no newspaper publisher, proprietor, editor or employee thereof, shall be liable to an action for damages for publishing the name of any employer as provided for in this chapter, unless such publication contains some wilful misrepresentation.

SEC. 14. *Posting notices.*—The commission may require employers in any occupation to post notices of its hearings or of nominations for wage boards, or of decrees that apply to their employees, in such reasonable way and for such length of time as it may direct. Whoever refuses or fails to post such notices or decrees, when so required, shall be punished by a fine of not less than five nor more than fifty dollars. The department of labor and industries shall enforce this section.

SEC. 15. *Annual report.*—The commissioner of labor and industries shall make an annual report of the acts of the commission in performing the duties required by this chapter.

CHAPTER 153.—*Liability of employers for nonfatal injuries to employees*

SECTION 1. *Injuries caused by negligence, etc.*—If personal injury is caused to an employee, who at the time of the injury, is in the exercise of due care by reason of—

First. A defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or,

Second. The negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or,

Third. The negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, elevated train or train upon a railroad or elevated railway;

The employee, or his legal representatives, shall, subject to the eight following sections, have the same rights to compensation and of action against the employer as if he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation, or an elevated car which is in use by or which is in possession of an elevated railway corporation, shall be considered as a part of the ways, works or machinery of the corporation which uses or has it in possession, within the meaning of clause first, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause third of this section, and whoever, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, elevated train or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, elevated train or train within the meaning of said clause.

This section shall not apply to injuries caused to domestic servants or farm laborers by fellow employees.

To maintain an action under this statute it is necessary that the exercise of due care by the employee should be proved. Where there is no evidence that decedent was free from negligence a verdict for defendant is proper. 39 N. E. 188.

This chapter is not a bar to an action at common law in cases included within its terms, but in which an employee might have maintained an action before the law was passed. 150 Mass. 190.

This statute is an enlargement of the employee's rights at common law; but such enlargement does not extend to the case of a parent suing for the loss of services of a minor child injured through the negligence of an employer. 83 N. E. 332.

An employer is not liable to a contractor's employee. 41 N. E. 678.

This chapter does not render cities liable for injuries to their employees. 161 Mass. 368.

An employee injured through the negligence of a fellow servant in handling or using a machine, tool, or appliance which is itself in a proper condition has no right of action against his employer under this section. 147 Mass. 753.

An employee injured in work outside the line of his duty can not recover under this section, even though he was exercising due care. 150 Mass. 362.

A superintendent temporarily working as an ordinary employee is not thereby relieved of the obligation to use due care for the safety of the employees. 83 N. E. 332.

It may not be necessary that works or ways belong to an employer to make him liable for defects therein, but it must at least appear that he has control of them and that their use in his business is by his authority, express or implied. 156 Mass. 298.

A track owned and maintained on his premises by an individual is no part of a railroad company's ways so as to render it liable for the death of an employee occasioned by a defect therein. 160 Mass. 260.

Subsection 3 does not cover the negligence of an engineer blowing off steam in a roundhouse and injuring a machinist. 41 N. E. 289.

Nor does an electric motor on a street railway come within its provisions. 50 N. E. 536.

If an action is based on the negligence of a superintendent, it must be shown that such negligence occurred not only during the superintendence but substantially in the exercise of it. 156 Mass 293.

The employer is not answerable for the negligence of a person who, though intrusted with superintendence, is at the time and in the doing of the act complained of engaged in the duties of a common workman and not exercising superintendence. 156 Mass. 342.

A workman usually on the same level with fellow workmen, but occasionally put in charge of a gang in the absence of the usual foreman, is not solely or principally a superintendent within the meaning of clause two. 38 N. E. 440.

A foreman detailed a workman for duty for which he was obviously incompetent. *Held*, that the employer was liable for personal injuries resulting to a fellow workman. 39 N. E. 1007.

Loaded freight cars received by a railroad company from and belonging to other roads to be hauled by such company over part of its road in due course of business are a part of the works and machinery of such company. 38 N. E. 508.

A brakeman was injured by a defective brake wheel on an empty freight car, the property of another company, which was being hauled in transfer. *Held*, that such car was not a part of the ways, works or machinery connected with or used in the business of the employer, so as to make the company liable under this section. 155 Mass. 21.

Brakemen on detached cars running by the impetus given by a locomotive are not in such charge or control as to entitle employees injured by their negligence to recover under this section. Nor is the foreman of a switching gang who merely points out to the conductor of a switching train where he wishes the cars placed, in charge of the train within the meaning of this chapter. 42 N. E. 112.

SEC. 2. *Contributory negligence.*—An employee or his legal representative shall not be entitled under section one of this chapter or under chapter two hundred and twenty-nine to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who was intrusted with general superintendence.

SEC. 3. *Known defects.*—If a defect in the ways, works or machinery of an employer has been reported to the person whose duty it is to remedy said defect, or cause it to be remedied, or to report its existence, and such defect is not remedied within a reasonable time, and by reason of said defect an employee is injured, such employee shall not be held to have assumed the risk of such injury.

SEC. 4. *Risk of injury not assumed.*—An employee of a railroad corporation injured by any locomotive, car or train used contrary to any provision of sections one hundred and fifty-five and one hundred and fifty-seven to one hundred and fifty-nine, inclusive, of chapter one hundred and sixty shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge. An employee of a railroad corporation injured by any locomotive, car or train by reason of the negligence of any other employee of the corporation shall not be deemed to have assumed the risk of such injury.

SEC. 5. *Damages.*—The amount of damages awarded in an action under section one for a personal injury to an employee, in which no damages for his death are awarded, shall not exceed four thousand dollars.

SEC. 6. *Notice.*—No action for the recovery of damages for injury under section one of this chapter or for death under section four or seven of chapter two hundred and twenty-nine shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf. If the person injured dies within the time required for giving the notice his executor or administrator may give such notice within sixty days after his appointment; and in such case the action may be begun within one year after the appointment of such executor or administrator. If from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies within said ten days his executor or administrator may give such notice within sixty days after his appointment. If the employer dies without such notice having been given and before the time for giving such notice has elapsed, the notice may be given to his executor or administrator, and the time within which the notice may be given as herein provided, shall run from the appointment of the executor or administrator. A notice given under this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby. If the employer dies without such action having been brought and before the time for bringing the action has elapsed, the action may be begun against his executor or administrator not less than six months and not more than one year after the executor or administrator has given bond for the performance of his trust. Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator,

containing the information that the person was so injured, giving the time, place and cause of the injury or death, shall be considered a sufficient notice.

SEC. 7. *Employees of contractors and subcontractors.*—If an employee enters into a contract, written or verbal, with an independent contractor to do a part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's work with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor caused by any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer or are furnished by him and if such defect arose, or had not been discovered or remedied, through the negligence of the employer or of some person entrusted by him with the duty of seeing that they were in proper condition.

The inference from this section plainly is that the employer shall be liable when a contractor's employee is injured by reason of a defect in the condition of the ways, works, machinery, or plant furnished by the employer to the contractor which continues through the negligence of the employer or of his agent. 158 Mass. 232.

SEC. 8. *Mitigation of damages.*—An employer who has contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under section one or to any relief society formed under sections eighty-six, eighty-seven and eighty-eight of chapter one hundred and fifty-nine, or the corresponding provisions of earlier laws may prove in mitigation of the damages recoverable by an employee under said section one, such proportion of the pecuniary benefit received by such employee from any such fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SEC. 9. *Inspection of place of accident.*—A justice of the superior court may, upon petition setting forth in ordinary language that the servant or employee of a certain person has been injured in the course of his employment, through some defect in the ways, works, or machinery owned or used by the employer, and that it is necessary in order to protect the interests of the injured person that an examination should be made of the ways, works, or machinery through whose defect the injury occurred, and after such notice to the employer as any justice of said court may direct or approve, and a hearing, grant an order directing the employer or person in control of such ways, works, or machinery to permit the person named in said order to make such examination, under conditions as shall be set forth in the order.

CHAPTER 156.—*Employee representation*

SECTION 23. *On board of directors.*—A manufacturing corporation may provide by by-law for the nomination and election by its employees of one or more of these as members of its board of directors. All such elections shall be held at the works of the corporation on the day of the annual meeting, and the voting shall be by secret ballot. If less than a majority of those entitled to vote participate in the election there shall be no election, and the vacancy shall be filled as provided in the preceding section. A director elected by the employees shall have the same rights and powers and shall be subject to the same duties and responsibilities as a director elected by the stockholders.

CHAPTER 159.—*Accidents on railroads—Reports, etc.*

SECTION 28. *Notice.*—[Railroad corporations must give immediate notice to the county medical examiner residing nearest to the place of accident of all accidents resulting in loss of life and must also notify the department of public utilities within 24 hours both of such accidents and of any accidents required by it to be reported.]

SEC. 29. *Investigation.*—[An inspector, under the direction of the department, shall investigate all accidents causing death or imperiling life, and may investigate any other accident.]

SEC. 30. *Employees' complaints.*—[Employees may make written complaint of defects in ways, works, etc., of a railroad, and the department shall not disclose the name of the complainant.]

CHAPTER 159.—*Railway, etc., relief associations*

SECTION 86. *Organization.*—Seven or more persons, a majority of whom are residents of the Commonwealth, being employees of any railroad, railway, or steamboat corporation, organized under the laws of the Commonwealth, may form a corporation under chapter one hundred and eighty for the purpose of receiving, managing, and applying such property and funds as it may receive by contribution, assessment, or otherwise for the improvement and benefit of its members, and for their relief and the relief of their families in case of sickness, injury, inability to labor, or other cases of need.

SEC. 87. *By-laws and records.*—The by-laws of such corporation shall be approved by the department [of public utilities], and shall prescribe the manner in which, and the officers and agents by whom, the purpose of its incorporation may be carried out, and also the manner in which its property may be invested. Such corporation shall annually, and as often as may be required by the department, render to it such statements of its membership and financial transactions and such other information relative thereto as the department may consider necessary for a proper exhibit of its business and standing. The department may verify such statement by an examination of the books and papers of the corporation; and whoever, having charge or custody of such books and papers, neglects to comply with this section shall be punished by a fine of not more than five hundred dollars.

SEC. 88. *Joint organization.*—A railroad corporation operating a railroad or portion thereof in the Commonwealth, or a railway company, may, by vote of its directors, associate itself with seven or more of its employees in forming a corporation under section eighty-six, or may, upon the invitation of any such corporation, become a member thereof, and may from time to time aid such corporation by contributions to its funds or otherwise. The by-laws of such corporation shall provide for the manner in which the railroad corporation or railway company shall vote and be represented in said corporation. The funds of such corporation shall not be liable to attachment by trustee process, or be liable to be taken on execution or on any other process, legal or equitable, to satisfy any debt or liability of the railroad corporation or railway company or of any member of the corporation.

CHAPTER 159.—*Railroad, etc., construction—Wages due by contractors*

SECTIONS 96, 99, 100. *Action against railroad.*—[Where a debt is due for labor performed in constructing a railroad or railway under contract with an authorized person other than the corporation the laborer may file in the office of the clerk of the city or town a statement on oath of the amount of the debt, and the person by whom employed. Action may then be brought against the corporation or company. The right of action is not lost by stating a larger sum than is due, but no recovery can be had for a larger amount than that named. Actions must be begun within sixty days after the plaintiff ceased to perform the labor for which the payment is sought.]

CHAPTER 160.—*Railroads—Employees*

SECTION 178. *Color blindness.*—A railroad corporation shall not employ any person or keep him in its employ in a position requiring the employee to distinguish form or color signals, unless he has been examined for color blindness or other defective sight by a competent person employed by the corporation and has received a certificate that he is not disqualified for such position by color blindness or other defective sight. A railroad corporation which violates this section shall forfeit one hundred dollars.

SEC. 179. *Engineers.*—No person shall act as a locomotive engineer unless he has been employed two years as a locomotive fireman or as an engineer's helper, or was employed as a locomotive engineer before June tenth, nineteen hundred and eleven.

SEC. 180. *Conductors.*—No person shall act as a conductor on a railroad train unless he has been employed as a brakeman for two years, or was employed as a conductor on a railroad train before June tenth, nineteen hundred and eleven.

SEC. 181. *Causing violations.*—No person shall knowingly engage, promote, require, persuade, prevail upon, or cause any person to act in violation of either of the two preceding sections.

SEC. 182. *Scope.*—The three preceding sections shall not apply to the operating of locomotive engines by engine hostlers in or around engine houses, or to any railroad other than a standard-gauge railroad. In the event of the disability of an engineer or conductor on the road, railroad companies may employ persons without the qualifications prescribed by sections one hundred and seventy-nine and one hundred and eighty, but only for the purpose of reaching a terminal station.

SEC. 183. *Penalty.*—Any violation of any provision of the four preceding sections shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, and each day's violation shall constitute a separate offence.

SEC. 184. *Rest days.*—Every person employed as signalman, towerman, leverman, agent, train dispatcher, telegrapher, or telephone operator in a railroad signal tower or railroad station, and every other person employed by a railroad in the operating of trains by the use of the telegraph, telephone, or signal and interlocking switching machines shall be allowed two days of twenty-four hours each in every month for rest with regular compensation, except in a case of extraordinary emergency caused by accident, fire, flood, or danger to life or property, when the said period of rest shall be allowed after the emergency is past. Any violation of this section shall be punished by a fine of not less than one hundred dollars.

CHAPTER 161.—*Protection of employees on street railways*

SECTIONS 101, 102. *Platforms to be inclosed.*—[These sections require, under penalty, that platforms of street railways on which employees must stand be inclosed from December 1 to March 31, so as to afford protection from wind and weather.]

CHAPTER 161.—*Hours of labor of employees on street railways*

SECTION 103. *Day's work.*—A day's work for all conductors, guards, drivers, motormen, brakemen, dispatchers, and gatemen employed by or on behalf of a street railway or elevated railway company shall not exceed nine hours, and shall be so arranged by the employer that it shall be performed within eleven consecutive hours. No officer or agent of any such company shall require from said employees more than nine hours' work for a day's labor. Threat of loss of employment or threat to obstruct or prevent the obtaining of employment by the employees, or threat to refrain from employing any employee in the future shall be considered "requiring," within the meaning of this section. But this section shall not prevent an employee of the character mentioned herein, if he so desires, from working more hours than those prescribed herein for extra compensation. A company violating any provision of this section shall forfeit not less than one hundred nor more than five hundred dollars.

CHAPTER 164.—*Sale of stock to employees of corporations*

SECTION 19 (as amended 1924, ch. 172). *Sale by certain corporations authorized.*—[The directors of gas and electric companies may offer new issues of stock as authorized, or unsubscribed shares of previous issues, to employees of the companies on such terms and subject to such conditions as the department of public utilities may approve.]

CHAPTER 164.—*Gas and electric companies—Accidents*

SECTION 95. *Reports.*—Corporations, persons and municipalities engaged in the manufacture or sale of gas or electricity shall, within twenty-four hours after every accident caused by gas or electricity manufactured or supplied by them, whereby an employee or other person is injured, rendered insensible, or killed, report in writing to the department [of public utilities] stating the time, place and circumstances of the accident and such other facts relative thereto as the department may require. The chief of police of the town, and the medical examiner of the district, where such accident occurs shall, in writing, report the same to the department. The chief of police shall so report within twenty-four hours, and the medical examiner within seven days, after he has notice thereof. The members of the department shall personally investigate all such cases requiring investigation.

CHAPTER 180.—*Labor organizations—Incorporation, etc.*

SECTION 15. *Objects of corporations.*—Corporations may be formed under this chapter for improving the condition of any employees in any one or more trades or employments, either relative to their employment or to the promotion of education, temperance, morality, or social intercourse among them, or for paying benefits to sick or unemployed members, or to persons dependent upon deceased members or otherwise.

SEC. 16. *Requirements.*—The commissioner of corporations and taxation shall not indorse his approval upon the certificate of organization of any such corporation, unless satisfied that the purposes thereof are lawful, that its by-laws are consistent with law and conform to the requirements of the two following sections.

SEC. 17. *By-laws.*—The by-laws shall contain clear and distinct provisions relative to the election, admission and expulsion of members; the titles, duties, powers and tenure of the officers of the corporation and their election and removal; the number of members required for a quorum; the call for special meetings; the adoption, amendment and repeal of by-laws; the purposes to which the funds of the corporation may be applied and for which assessments may be laid upon the members; the conditions upon which a member or persons dependent upon a deceased member shall be entitled to benefits, if any are to be given by the corporation; the imposition of fines and forfeitures, if any; the deposit, investment and custody of the funds of the corporation; the periodical audit of the accounts of the treasurer and the method of voting on shares of stock, if any are issued by the corporation. A by-law shall not be repealed or amended, or an additional by-law adopted, unless notice of such proposed action shall have been given at a previous meeting; and such repeal, amendment or adoption shall not take effect until it has been approved by the commissioner of corporations and taxation as conformable to law.

SEC. 18. *Expulsion of members.*—No member of such corporation shall be expelled by vote of less than a majority of all the members thereof, nor by vote of less than three-quarters of the members present and voting upon such expulsion. Every member of such corporation and every person who has an interest in its funds shall be entitled to examine its books and records.

SEC. 19. *Fines.*—No fine or notice of intention to impose a fine by any union or any other association, incorporated or unincorporated, or by any authorized representative thereof, upon any member, according to the rules to which such member has agreed to conform, shall be held to be unlawful or coercive as to such member or as to any other person: *Provided*, That such fine is reasonable in amount and is for a legal purpose.

CHAPTER 198.—*Wages as preferred claims—In administration*

SECTION 1. *Amount.*—[Wages due any clerk, servant, or operative for labor within a year preceding the death of the employer, not exceeding $100, rank next after debts given a preference under the laws of the United States, and public rates, taxes, and excise duties.]

CHAPTER 216.—*Wages as preferred claims—In insolvency*

SECTION 118. *Rank.*—[Wages as above rank next after costs and legal fees in proceedings in insolvency, debts due the United States, and debts and taxes due the Commonwealth or any subdivision thereof.]

CHAPTER 246.—*Exemption of wages from attachment*

SECTION 28. *Amounts exempt.*—[Wages in amount not exceeding $20 are exempt from attachment except for necessaries furnished the debtor or his family, as to which but $10 are exempt.]

SEC. 30. *Attachment of exempt wages.*—[One who willfully causes or aids in causing exempt wages to be attached in order to delay their payment as entitled is subject to a fine of not over $50 to the use of the injured person.]

SEC. 32. *Absolute exemptions.*—[Wages of a defendant's wife or minor child may not be attached for his debt; nor may a seaman's wages be seized, but fishermen are not included in this exemption.]

CHAPTER 266.—*Labor organizations—Unlawful use of insignia*

SECTION 69. *Use forbidden.*—Whoever, not being a member of a society, association or labor union, for the purpose of representing that he is a member thereof, willfully wears or uses the insignia, ribbon, badge, rosette, button or emblem thereof, if it has been registered in the office of the State secretary, shall be punished by a fine of not more than twenty dollars, or by imprisonment for not more than one month, or both.

CHAPTER 271.—*Bribery of employees*

SECTION 39. *Illegal gifts, etc.*—Whoever corruptly gives, offers or promises to an agent, employee or servant any gift or gratuity whatever, with intent to influence his action in relation to the business of his principal, employer or master; or an agent, employee or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to the business of his principal, employer or master; or agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished by a fine of not less than ten nor more than five hundred dollars or by such fine and by imprisonment for not more than one year; except that if the person who commits the said offense acts as agent or officer of any person, to employ persons as clerks, laborers or otherwise, the offence shall be punished by a fine of not less than twenty-five nor more than five hundred dollars or by imprisonment in the State prison for not more than three years. The district attorneys in their respective districts shall prosecute all violations of this section. No person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpœna of any court having jurisdiction of the offence described herein on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding.

CHAPTER 271.—*Discharge, etc., of employees of public service corporations*

SECTION 40. *Use of influence forbidden.*—[The appointment, promotion, suspension or discharge of employees by public service corporations at the request of State or municipal officers or employees is forbidden; and such persons are forbidden to interfere, directly or indirectly, with such employees.]

MICHIGAN

CONSTITUTION

ARTICLE V.—*Employment of labor*

SECTION 29 (as amended 1920). *Power of legislature.*—The legislature shall have power to enact laws relative to the hours and conditions under which men, women and children may be employed.

COMPILED LAWS—1915

Occupational diseases—Reports

SECTION 5166. *What diseases to be reported.*—Every physician attending or called upon to treat a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed-air illness, contracted as a result of the nature of the patient's employment, shall send to the State board of health, who shall transmit to the commissioner of labor a notice stating the name, post-office address and place of employment of the patient, the length of time of such employment, and the disease from which in the opinion of the physician, the patient is suffering.

SEC. 5168. *Violations.*—It shall be the duty of the commissioner of labor and of the prosecuting attorney of the county where anyone violating the provisions of this act may reside, to prosecute all violations of the provisions of this act which shall come to the knowledge of them or either of them.

Department of labor

[This office was superseded by the department of labor and industry, created by No. 43, Acts of 1921 (see p. 558). Provisions of law affecting the new department are as follows:]

SECTION 5323 (as amended 1923, No. 206). *Duties.*—It shall be the duty of the commission to collect in the manner herein provided, assort, systematize and present to the governor, on or before the first day of January of each year in which a regular session of the legislature is held, statistical details relating to all departments of labor in this State, including the penal institutions thereof, particularly concerning the hours of labor, the number of employees and sex thereof, and the daily wages earned, the condition of all manufacturing establishments, hotels, stores, workshops and premises, where labor is employed, except farms and households, with such other matter relating to the industrial, social, educational, moral and sanitary conditions of the laboring classes and the productive industries of the State, including the name of firms, companies or corporation, where located, the kind of goods produced or manufactured, the time operated each year, the number of employees, male or female, the number engaged in clerical work and the number engaged in manual labor, with a classification of the number of each sex engaged in each occupation and the average daily wages paid each: *Provided*, That the commission or any one connected with its office, shall not publish, make public, nor give to any individual or to the public the individual statistics obtained from any manufacturing establishment, but all such statistics may be published in connection with other similar statistics and given to the public in aggregate and averages: *Provided further*, That nothing in this section shall be construed to prohibit other State departments from taking transcripts of such individual statistics for statistical and classification purposes only.

SEC. 5324. *Witnesses.*—Such department or any member thereof shall have full power to examine witnesses on oath, compel the attendance of witnesses, the giving of testimony and the production of papers while acting in any part of this State, and witnesses may be summoned by such department or any member thereof, by its process in the same manner, and paid the same fees as are allowed to witnesses attending in the circuit court of any county. Any person duly subpœnaed under the provisions of this section, who shall willfully

neglect to attend or testify at the place named in the subpœna served for such purpose, shall be guilty of a misdemeanor, and on conviction before any court of competent jurisdiction may be punished by a fine not exceeding fifty dollars or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment in the discretion of the court: *Provided*, That no witness shall be compelled to go outside of the county in which he or she resides to testify.

Sec. 5326. *Officials to furnish information.*—Said department may collect the information called for in section two of this act [sec. 5323], or such information as shall by the commissioner be considered essential to perfect the work of the department, from the several State, county, city, village, and township officers, and from the officers of prisons, penal and reformatory institutions, or by means of special canvassers under the direction of the commissioner, and it shall be the duty of all such officers to furnish upon the written or printed request of the commissioner such information as shall be considered necessary for the department upon blanks furnished by said department.

Sec. 5327. *Township, etc., officers.*—It shall be the duty of the several supervisors of the townships, and the supervisor and assessor of the wards of cities in this State, at the time of assessing the property thereof, to obtain the facts and information determined upon by said department, as provided in section five of this act [sec. 5326], in accordance with the terms, conditions, and requirements of said blanks, and to return said blanks properly filled and duly certified to by such officer without delay to the commissioner of labor at Lansing.

Sec. 5328. *Access to factories, etc.*—The commissioner, his deputy, and deputy factory inspectors are authorized to enter any factory, workshops, hotel, store, or other place where labor is employed when open or in operation, for the purpose of gathering facts and statistics relating to hours of labor, wages, industrial, economic, and sanitary conditions or matters; and if any employer or his or her agent or agents shall refuse to allow the officers of said department to so enter; or shall refuse to give such information when requested by said commissioner or deputy factory inspector, then such employer or his or her agent or agents shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine not to exceed one hundred dollars or by imprisonment for not more than ninety days or both such fine and imprisonment in the discretion of the court.

Sec. 5329. *False statements, etc.*—Any person who shall willfully and intentionally testify falsely before said commissioner or any authorized deputy shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State prison for a period not exceeding five years, and any person who shall refuse to testify before said commissioner or before any deputy thereof shall on conviction thereof be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars or imprisonment not exceeding sixty days or both in the discretion of the court: *Provided*, That no person or corporation shall be required to answer any question that shall be an improper subject of inquiry or foreign to the object of this act.

Employment of women and children

Section 5330 (as amended 1923, No. 206). *Nine-hour day.*—No male under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory, mill, warehouse, workshop, quarry, clothing, dressmaking or millinery establishment or any place where the manufacture of any kinds of goods is carried on, or where any goods are prepared for manufacturing, or in any laundry, store, shop, or any other mercantile establishment, or in any office or restaurant, theater, concert hall, music hall, hotel, or operating an elevator, or on street or electric railways, for a period longer than an average of nine hours a day or fifty-four hours in any week nor more than ten hours in any one day; and all such establishments shall keep posted a copy of this section printed in large type, in a conspicuous place. In establishments having a time clock such copy shall be posted near the time clock. Copies of this section suitable for posting shall be furnished upon the application of any employer by the commission: *Provided, however*, That the provision of this section in relation to the hours of employment shall not apply to nor affect any person engaged in preserving perishable goods in fruit and vegetable canning establishments. No female under the age of eighteen years shall be employed

in any manufacturing establishment between the hours of six o'clock p. m. and six o'clock a. m. No child under the age of sixteen years shall be employed in any manufacturing establishment or workshop, quarry, mine or messenger service in this State between the hours of six o'clock p. m. and six o'clock a. m. No child under the age of eighteen years shall be employed between the hours of ten o'clock p. m. and five o'clock a. m. in the transmission, distribution or delivery of messages or merchandise.

Sec. 5331 (as amended 1923, No. 206). *Age limit; permits.*—[Employment under 15 is forbidden during school hours in mercantile institutions, factories, workshops, offices, hotels, laundries, mines, quarries, theaters, bowling alleys, pool rooms, operating elevators, or in telegraph or messenger service; if 14, may work on Saturday or other days outside of school hours except in mines, theaters, bowling alleys, pool rooms or operating elevators. Registers must be kept to 18, and permits obtained to 17; or if there is no continuation school in the district to 16. Requirements for permits are schooling to complete the sixth grade, evidence of age, and medical certificate. Limited vacation permits are also provided for.]

Sec. 5332 (as amended 1923, No. 206). *Dangerous occupations.*—[All females and males under 18 are forbidden to clean moving machinery, or engage in any hazardous employment, or where health would be injured or morals depraved. Females may not be unnecessarily required to stand constantly. No child under 12 may be employed in any theater or playhouse, music, or dance hall, or pool or billiard room. Employment to 18 is limited to 54 hours per week not over 10 hours in any one day.]

Factory, etc., regulations

Section 5333. *Hoistways, etc., to be guarded.*—It shall be the duty of the owner, agent, or lessee of any manufacturing establishment where hoisting shafts or wellholes are used, to cause the same to be properly inclosed and secured. It shall be the duty of the owner, agent, or lessee to provide or cause to be provided at all elevator openings in any manufacturing establishment, workshop, hotel, or store, proper trap or automatic doors or automatic gates so constructed as to open and close by the action of elevators either ascending or descending. The deputy factory inspector shall inspect the cables, gearing, or other apparatus of elevators in manufacturing establishments, workshops, hotels, and stores at least once in each year, and more frequently if necessary, and require that the same be kept in a safe condition, and shall have power to condemn any elevator if in his opinion the same be unsafe, and stop the operation of such elevator until the same be put in safe condition.

The employee does not assume the risks where the employer violates this statute. 106 N. W. 211.
But the employer does not lose the defense of contributory negligence. 113 N. W. 1120.

Sec. 5334. *Fire escapes.*—* * * Factory inspectors shall have power to order fire escapes on all manufacturing establishments, * * * and office buildings two or more stories in height, * * * If in the opinion of the factory inspector it be necessary to insure the safety of persons in such places; said fire escape or means of egress, or as many thereof as may be deemed sufficient by the inspector, shall be provided, and where it is necessary to provide fire escapes on the outside of such building they shall consist of landings and balconies at each floor above the first, to be built according to specifications provided by the factory inspector. * * * Factory inspectors shall in writing notify the owner, agent, or lessee of such manufacturing establishments, * * * and office buildings of the required location and specifications of such escapes as may be ordered and as to all failures to comply with the provisions of this act. Any person, firm, or corporation, * * * who shall violate or cause to be violated any of the provisions of this section, or shall fail or refuse to erect or cause to be erected any fire escape ordered by any factory inspector, under authority of this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than three months nor more than one year, or by both such fine and imprisonment in the discretion of the court.

Sec. 5335. *Stairways.*—Stairways with substantial handrails shall be provided in manufacturing establishments, and where in the opinion of the factory inspector it be necessary, the steps of such stairs in all such establishments

shall be substantially covered with rubber securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at sides and bottom where females are employed, and the outside doors of such establishments shall swing outwardly, and no doors shall be locked, bolted,or fastened during working hours.

SEC. 5336 (as amended 1923, No. 206). *Safety guards.*—It shall be the duty of the owner of any factory, storehouse or warehouse, or his agent, superintendent or other person in charge of the same, to furnish or supply, or cause to be furnished or supplied, and equip all machinery in use with proper shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys. It shall be unlawful for any person, firm, copartnership or corporation, to operate or cause to be operated, any of the machinery or equipment mentioned in this section, without it being first properly equipped with proper safety devices and guards. All gearing and belting shall be provided with proper safeguards, and when necessary, machinery shall be provided with loose pulleys. All vats, saws, pans, planers, cogs, set screws, gearing, and machinery of every description shall be properly guarded. The commission after hearing duly had shall have power to condemn such machinery and equipment if the same is unsafe, and stop the operation of such machinery and equipment until same be put in safe condition. It shall be unlawful for any person, firm or corporation, or agent thereof, to install or place in operation any of the machinery or equipment mentioned in this section unless the same be equipped with proper safeguards, or unless the same be approved by the commission or factory inspector. When requested in writing by any owner of such machinery or equipment, or agent of such owner, the commission shall within six days cause such machinery to be inspected. The commission, or factory inspector, as the case may be, shall determine whether such machinery or equipment is properly guarded. The findings of the commission or inspector shall be in writing and a copy shall be furnished said owner, or his agent, and a copy shall be filed in the office of the commission at Lansing. A fee of not to exceed five dollars may be charged for each such inspection. Such fees shall be turned into the State treasury and placed in the general fund.

SEC. 5337. *Emery wheels.*—Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones and dust-creating machinery, wherever deemed necessary by the factory inspector.

SEC. 5338. *Toilets, etc.*—[Suitable toilet and dressing rooms must be provided by the employer. Separate rooms shall be kept for the different sexes. Where railway cars are used for sleeping or living purposes (other than transportation of passengers) the same shall be kept sufficiently heated and lighted. Violations shall be prosecuted by the factory inspector or other proper authority.]

SEC. 5339. *Inspectors.*—The commissioner of labor shall be the chief factory inspector and the deputy commissioner of labor and deputy factory inspectors shall be factory inspectors in the meaning of this act. At least two of such deputy factory inspectors shall be women. Said factory inspectors are hereby empowered to visit and inspect at all reasonable hours, as often as practicable or required, the factories, workshops and other manufacturing establishments in this State where the manufacture of goods is carried on, and all hotels where any person or persons are employed, also all stores in this State. Deputy factory inspectors shall report to the commissioner of labor at such time and manner as he may require. It shall also be the duty of the factory inspectors to enforce all the provisions of this act and to prosecute all violations of the same before a magistrate or in a court of competent jurisdiction in this State.

The admission of an inspector to a factory is subject to reasonable regulations of the proprietor. Refusing admission by a certain door and directing the use of another affording convenient access is not a violation of the law. 76 N. W. 89.

SEC. 5340. *Reports.*—Deputy factory inspectors shall return to the commissioner of labor, as he may require, detailed reports of the results of all inspections, together with statistics gathered, and said commissioner shall keep on file in this office at Lansing a record of all reports so returned. A copy of the report on such inspection and of any order in reference thereto shall be served by the factory inspector on the superintendent, owner or manager of each building, establishment or workshop inspected. Service of such order shall be accepted and a duplicate thereof signed by such superintendent,

owner or manager. If the superintendent, owner or manager of whom such signatnre is demanded shall refuse to so sign such acceptance of service, an affidavit by the inspector showing the facts of such service, demand of signature and refnsal shall be sufficient evidence of service when dnly filed; but such superintendent, owner or manager shall not thereby be released from any criminal liability attending his refusal under this act. Deputy factory inspectors and special canvassers shall have the same power to administer oaths as is now given to notaries public, in cases where persons desire to verify docnments connected with the proper enforcement of this act.

Sec. 5341. *Annual inspections.*—For the purpose of carrying out the provisions of this act, the commissioner of labor is hereby authorized and required to cause at least an annual inspection of all manufacturing establishments, factories, hotels, workshops and stores. Such inspection may be made by the commissioner of labor, the deputy commissioner of labor, the deputy factory inspectors, or such other person as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor. All compensation for services and expenses provided for in this act shall be paid by the State treasurer upon the warrant of the auditor general and andited by the auditor general: *Provided*, That the commissioner of labor shall present to the governor on or before the first day of April of each year, a report of snch inspection, with such recommendations as may in his jndgment be necessary.

Sec. 5342. *Enforcement.*—The prosecuting attorney of any county of this State is hereby authorized and shall, upon the complaint on oath of the commissioner of labor or any factory inspector, or of any citizen of the United States, if approved by any factory inspector, prosecute to termination before any court of competent jurisdiction, in the name of the people of the State, actions or proceedings against any person or persons reported to him to have violated any of the provisions of this act.

Sec. 5343. *Permits for sweat shops.*—No room or apartment in any tenement or dwelling house shall be used for the mannfacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimming, fur garments, shirts, hosiery, pnrses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any persons to work in any room, apartment or in any building or parts of buildings, at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector or one of his deputies, stating the maximum number of persons allowed to be employed therein and that the building or part of building intended to be used for such work or bnsiness is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may reqnire it. It shall be framed and posted in a conspicuons place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufactnre of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use. None of the work mentioned in this section shall be done in any room or apartment used for living or sleeping purposes, or which is connected with the room or rooms used for such purposes, and which has not a separate and distinct outside entrance for use of others than members of the family dwelling therein. Not less than two hundred fifty cubic feet of air space shall be allowed for each person employed, and all work rooms shall be provided with sufficient means of light, heat and ventilation as may

be prescribed by the chief factory inspector. It shall be the duty of local boards of health, health officers and physicians to report within twenty-four hours to the deputy factory inspector in their respective districts each and every case of contagious or infectious disease coming officially to their knowledge. The chief factory inspector or any duly appointed deputy factory inspector shall have power to seize and take charge of all articles found that are being made or partially made, finished, cleaned or repaired in unhealthy or insanitary places where there are contagious or infectious diseases, in violation of the law, and may proceed to disinfect, condemn or destroy the same as in the opinion of the local board of health officer, the public health or safety may require. Whenever it is reported to the chief factory inspector or to the State board of health, or to either of them, that any of the articles named in this section are being or have been shipped into this State, having previously been manufactured in whole or in part under unhealthy conditions, said chief factory inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the State board of health, which board shall thereupon make such order or orders as the public health and safety may require: *Provided*, That in stores where goods are manufactured, altered or repaired, workrooms shall be provided with proper heat, light and ventilation, as prescribed in this section.

Sec. 5344. *Changes in buildings.*—Factory inspectors shall have power to order all improvements herein specified, such as the repairing of elevators, the installment of wash and dressing rooms and water-closets. When such improvements are found necessary orders for same shall be served on the owner of the building or premises: *Provided*, That whenever the owner of such buildings or premises as mentioned in this act be a nonresident of this State said order may be made on his resident agent or the tenant of such buildings or premises. If the tenant be required to make such improvements he may deduct the cost thereof from the amount of rent for use of such buildings or premises.

Sec. 5345. *Seats for female employees.*—All persons who employ females in stores, shops, offices or manufactories, as clerks, assistants, operatives or helpers in any business, trade or occupation carried on or operated by them, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools as may be necessary, and shall not make any arbitrary rules, regulations, or orders preventing the use of such stools or seats at reasonable times. No employer of female help shall neglect or refuse to provide seats as provided in this act, nor shall make any rules, orders or regulations in their shops, stores or other places of business requiring females to remain standing when not necessarily in service or labor therein.

Sec. 5347. *Arrangement of foundries.*—All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust, or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. No salamanders or open fire places shall be used, unless ample provisions be made for conveying the gases arising therefrom directly from the building. Foundries shall be reasonably well lighted throughout working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein. All pits around furnaces in any such foundry shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron. There shall be kept on hand at all times in every foundry a reasonable supply of limewater, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this section. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.

SEC. 5348. *Blowers for emery wheels.*—All persons, companies or corporations operating any factory or workshop, where wheels or emery belts of any description are in general use, either leather, leather covered, felt, canvas, paper, cottou, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with fans or blowers or similar apparatus, which shall be placed in such a position or manner as to protect the person or persons using the same from the particles of dust produced and caused thereby, and to carry the dust arising from, or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some other receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of grinding contact shall be exempt from the conditions of this act: *Provided further*, That this act shall not apply to solid emery wheels used in sawmills or planing mills or other woodworking establishments.

SEC. 5349. *Hoods.*—It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purposes of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to such hood or hopper.

SEC. 5350. *Pipes.*—Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe, wheels six inches to twenty-four inches in diameter with four-inch suction pipes, wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipes, and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel so specified must be full size to the main trunk suction pipe, and the said main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined areas of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

SEC. 5351. *Speed of fans.*—It shall be the duty of any person, company or corporation operating any such factory or workshop, to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at such rate of speed as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute or an equivalent suction or pressure of air equal to raising a column of water not less than five inches high in an U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less. The main suction or trunk pipe shall be below the polishing or buffing wheels and as close to the same as possible, and be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy smooth surfaces having a radius in the throat of not less than two inches diameter, of the pipe on which they are connected.

SEC. 5352. *Enforcement; basements, etc.*—It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State, in which any such factory or workshop is situated, upon receiving notice in writing, signed by any person or persons having knowledge of such facts, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factories or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant directed to the owner, manager or director of such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, aud it is made the duty of the prosecuting attorney to prosecute all cases under this act. No person shall be employed to operate any of the wheels, buffers or belts mentioned in this act in any basement, so called, or in any room lying wholly or partly beneath the surface of the ground, unless such workroom shall be provided

with sufficient means of light, heat and ventilation as shall be prescribed by the State factory inspector. No female shall be employed in operating or using any of the wheels or belts specified in this section.

SEC. 5353. *Hair-picking machines.*—All persons, companies or corporations operating any upholstering or mattress establishments or other establishments, factory or place where hair, moss, tow or cotton is used for filling, shall provide the same with hair-picking machines when ordered by the commissioner, deputy commissioner of labor or deputy factory inspector, which shall be placed in such a position or manner as to carry away the dust arising from or thrown off by such machines while in operation directly to the outside of the building or to some other receptacle established so as to receive and confine such dust, and the same shall be placed within such establishment, place or factory within three months after having been ordered to be so placed by the commissioner, deputy commissioner of labor or deputy factory inspector.

SEC. 5354. *Low-water alarms on steam boilers.*—All stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation within the State of Michigan, shall, whenever so ordered by the chief factory inspector or any of his duly authorized deputies, have upon them some device which will sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of any such boiler to the depth of the water in the boiler before the same reaches the danger point: *Provided*, That the kind of device or alarm used shall be approved by the chief factory inspector of the State; and he or any of the duly authorized deputies shall be authorized to enter upon the premises of any person, firm or corporation within this State for the purpose of inspecting any stationary steam boiler so used or operated.

SEC. 5355. *Operating boilers without alarms.*—It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler without its having a low-water alarm attached thereto, after the chief factory inspector or any duly authorized deputy has ordered the same to be used as specified in this act.

Free public employment offices

SECTION 5356 (as amended 1923, No. 206). *Establishment; duties.*—The commission is hereby authorized to organize and establish in this State such free employment bureaus as it deems advisable for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such bureaus shall be designated and known as Michigan public employment bureaus. The commission shall control the public employment bureaus authorized by this act. No compensation or fee shall be charged or received directly or indirectly from persons applying for employment or help through any such bureaus. It shall be the duty of said commission to use all diligence in securing the cooperation of employers of labor with the purpose and objects of said employment bureau. To this end it shall be competent for said commission to advertise in the columns of newspapers or to use other mediums for such situations as it or its agents have applicants to fill, and for such help as may be called for by employers. Said commission may also advertise in a general way for the cooperation of large contractors and employers, in such trade journals or special publications as reach such employers, whether such trade journals are published in the State of Michigan or not, and it may pursue such other methods as in its judgment will best tend to accomplish the purpose of this act: *Provided*, That all managers or superintendents in charge of State public employment bureaus shall devote their entire time to the work of their office while receiving salary or wages from the State.

SEC. 5357. *Appointments.*—The commissioner of labor is authorized to appoint such assistants as may be necessary for the proper administration of such free employment bureaus. All such assistants shall be under the control and direction of the commissioner of labor, and shall receive such compensation as he shall determine. * * *

Private employment offices

SECTION 5415. *License.*—[License is required, the annual fee therefor being $25, except in cities of over 200,000 population, where it is $100. Commissioner of labor issues licenses and may make rules and regulations. Parts of act must be posted in the place of business.]

SEC. 5416 (as amended 1917, No. 244). *Bond.*—[Bond of $1,000 is required conditioned on the observance of the act. Aggrieved claimants may also have recourse to the bond.]

SEC. 5417. *Registers.*—[Registers are required, showing name, age, sex, trade or occupation, fee charged, wages to be paid, etc.]

SEC. 5418. *Receipts.*—[Receipts must be given showing particulars of all transactions.]

SEC. 5419 (as amended 1921, No. 38). *Fees.*—[Fees may not exceed 10 per cent of the first month's wage, except in teachers' agencies. If a registration fee is charged and no place secured within a month, one-half the fee must be repaid if demanded. Registration fee may not exceed $1.]

SEC. 5420. *Orders; fraud.*—[Applicants may not be sent out except as requested. Fraudulent promises and advertising are forbidden.]

SEC. 5421. *Immoral resorts.*—[Sending any person to an immoral resort is forbidden.]

SEC. 5422. *Violations.*—[Violations are punishable by a fine to $200 or imprisonment to 90 days, or both.]

NOTE.—This act is constitutional. The business is one that may properly be regulated, and no arbitrary powers are conferred on the commissioner of labor. The validity of section 5419 was not considered, but as it is severable, the act would stand even if this were eliminated. Brazee *v.* People, 241 U. S. 340, 36 Sup. Ct. 561; People *v.* Brazee, 149 N. W. 1053.

Liability of railroad companies for injuries to employees

SECTION 5496. *Liability declared.*—Every common carrier railroad company in this State shall be liable to any of its employees, or, in case of his death, to his personal representative for the benefit of his widow and children, if any; if none, then for his parents; if none, then for his next of kin, for all damages which may result from the negligence of any such railroad company or from the negligence of any of its officers, agents or employees, or by reason of any defect or insufficiency due to the negligence of any such common carrier railroad company in its cars, engines, appliances, machinery, track, road bed, works, boats, wharves, coal docks, or other equipment.

SEC. 5497. *Contributory negligence.*—In all actions hereafter brought against any such common carrier railroad company under or by virtue of any of the provisions of this act to recover damages for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery: *Provided*, That the negligence of such employee was of a lesser degree than the negligence of such company, its officers, agents or employees: *Provided further*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier railroad company of any statute enacted for the safety of employees contributed to the injury of such employee, and such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5498. *Definition.*—The words "railroad company," as used in this act, shall be taken to embrace any company, association, corporation, or person managing, maintaining, operating, or in possession of a common carrier railroad in whole or in part within this State, whether as owner, contractor, lessee, mortgagee, trustee, assignee or receiver.

SEC. 5499. *Contracts not a defense.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: *Provided, however*, That upon the trial of such action, the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative.

SEC. 5500. *Rights not impaired.*—Nothing in this act shall be held to limit the duty of common carrier railroad companies, or impair the rights of employees under existing laws of the State.

SEC. 5501. *Exemptions.*—The provisions of this act shall not apply to employees working in shops or offices.

NOTE.—Street railways are common carriers within the meaning of this act. Arends *v.* Grand Rapids R. Co., 172 Mich. 448, 138 N. W. 195.

Mine regulations—Metal mines

SECTION 5502. *Inspectors.*—[Inspectors, competent by experience and training, are to be biennially elected in counties in which there are iron or copper mines.]

SEC. 5507. *Deputies.*—[Deputies not exceeding 3, may be appointed by the inspector to perform such duties as he may prescribe.]

SEC. 5509. *Inspectors; hoisting.*—[Inspectors must visit each working mine in their counties every 60 days and may order such changes as may seem needful for the safety of the workers therein. Hoisting of men and materials must be by separate shafts or compartments, tops of shafts must be guarded, etc.]

SEC. 5510. *Employer liable, when.*—[If workmen are injured while continuing in employment in a place condemned by the inspector, the operator is liable therefor.]

SEC. 5511. *Maps.*—[Operators must furnish maps, guide inspectors through their workings, and facilitate the work of inspection, under penalty of fine up to $500.]

SEC. 5513. *Notice of need of inspection.*—[Notice of need of inspection must be followed by immediate inspection. Such notice "shall be forever privileged in any court, either civil or criminal."]

SEC. 5514. *Reports.*—[Annual reports are to be made to the clerk of the county and to the commissioner of labor, showing, among other things, the accidents causing injury or death of persons, and whether due to the negligence of employers or of employees.]

Mine regulations—Coal mines

SECTION 5516. [Definitions.]

SEC. 5517 (as amended 1919, No. 177). *Inspector.*—[An inspector is to be appointed by the commissioner of labor, with the approval of the governor, of at least 8 years' experience in the mine.]

SEC. 5518. *Police powers.*—[The inspector has police powers, and may arrest violators of this act and stop operations in which dangerous and unlawful conditions are found.]

SEC. 5519. *Entry.*—[The inspector may enter any mine at any and all seasonable times for purposes of inspection, but not so as to unreasonably obstruct or hinder operations.]

SEC. 5520. *Posting inspection reports.*—[Results of inspections are to be posted at entrances to mines. Personal inspection must be made at least quarterly.]

SEC. 5521. *Weights, etc.*—[The mine inspector is ex officio inspector of weights, measures, and scales used at coal mines.]

SEC. 5522. *Test weights.*—[Test weights must be furnished for both track scales and smaller scales.]

SEC. 5523. *Weighmen.*—[Weighmen must make oath to render impartial service. Miners may employ a checkweighman, who shall also be sworn.]

SECS. 5524–5559. *Safety provisions.*—[Maps are required, and ventilation, illuminating and lubricating oil, the installation of electricity, fire equipment, the location of boiler and engine rooms and stables, means of egress, the equipment of hoists, means of communication, signals, places of refuge, blasting, etc., are regulated. Wash houses must be furnished on request of 20 employees, or one-third the employees if less than 20 are employed, first-aid supplies are required, and a supply of timber. Engineers must be sober and competent, and the mine foreman must make inspection of all work places twice a week.]

SEC. 5560. *Fraud.*—No person shall erase or change a mark of reference or monument made in connection with measurements; change the checks or cars; wrongfully check a car, or do any act with intent to defraud, and operator shall place stump mark at end of each measurement in narrow work.

Arbitration and mediation of labor disputes—State board

SECTION 5564. *Scope of law.*—The provisions of this act shall apply to employers and employees in the following industries: Railroads, mines, public utilities, including electric light, power and water; *Provided, however*, That the employers and employees of such other industries, not herein enumerated, who

may mutually agree to come under the operation of this act, may do so by filing with the commissioner of mediation and conciliation, such agreement.

SEC. 5565. *Application to board.*—Whenever a controversy concerning wages, hours of labor, or other conditions of employment between an employer, or employers, and employees subject to this act, interrupting or threatening to interrupt the business of said employer or employers to the detriment of the public interest, either party to such controversy may apply to the board of mediation and conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; or the respective parties to the controversy may, on their own initiative, enter into an agreement to submit the matters in controversy to arbitration under the provisions of this act.

SEC. 5566. *Procedure.*—Upon the request of either party to a controversy the board of mediation and conciliation shall, with all practicable expedition, put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration under the provisions of this act. During the carrying on of the mediation proceedings under this act, neither party to the proceedings shall avail itself of the time to secure any advantage over the other side in the event of the failure of the mediators to bring about a settlement of the controversy or an agreement to arbitrate. In any case in which a controversy arises over the meaning of the application of any agreement reached through mediation under the provisions of this act, either party to the said agreement may apply to the board of mediation and conciliation for an opinion from said board as to the meaning or application of said agreement, or of such part of it as may be in dispute, and the said board shall upon receipt of such request, give its opinion as soon as may be practicable.

SEC. 5567. *Arbitration.*—Whenever a controversy shall arise between an employer, or employers, and employees subject to this act, which can not be settled through mediation and conciliation in the manner hereinbefore provided, or which the respective parties prefer to submit directly to arbitration, such controversy may be submitted to the arbitration of a board of four persons who shall be chosen in the following manner: The employer, or employers, parties to the controversy shall name one arbitrator, and the employees one; and the two thus named shall select the remaining two arbritrators necessary to make up the board of four; but in the event of their failure to name the two arbitrators, or one of them, within fifteen days after their first meeting, the said two arbitrators, or one of them, if the first two arbitrators have agreed upon one of the two, shall be named by the board of mediation and conciliation. In the event that the employees concerned in any given controversy are not organized, such employees may select a committee and give it the right to represent them and to name the arbitrator who is to be named by the employees as above provided in this section.

SEC. 5568. *Agreements.*—The agreement to arbitrate—

First, Shall be in writing;

Second, Shall stipulate that the arbitration is had under the provisions of this act;

Third, Shall be signed by duly accredited representatives of the employer, or employers, and of the employees;

Fourth, Shall state specifically the questions to be submitted to the said board for decision;

Fifth, Shall stipulate that a majority of the said board shall be competent to make a valid and binding award;

Sixth, Shall fix a period from the date of the naming of the arbitrator or arbitrators necessary to complete the board of four within which the said board shall commence its hearings;

Seventh, Shall fix a period from the beginning of the hearings within which the said board shall make and hand down its award;

Eighth, Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Ninth, Shall provide that the respective parties to the award will faithfully execute the same and abide by its provisions;

Tenth, Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, shall be filed in the office of the board of mediation and conciliation;

Eleventh, And may also provide that any dispute arising as to the meaning or the application of the provisions of any award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is unable or unwilling to serve, another arbitrator shall be named in the same manner as such original arbitrator was named.

SEC. 5569. *Powers of arbitrators.*—For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the courts of the State to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements and documents to the same extent and under the same conditions and penalties as is provided for in the act creating the railroad commission of this State and the amendments thereto.

SEC. 5570. *Agreements to be acknowledged.*—Every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of a court of record or before a member of the board of mediation and conciliation, the members of which are hereby authorized to take such acknowledgments; and when so acknowledged, shall be delivered to a member of said board or transmitted to the office of said board, there to be placed on file. When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrators necessary to complete the board, and advising them of the period within which they are empowered to name such arbitrators. When the arbitrators selected by the respective parties have agreed upon the remaining arbitrators they shall notify the board of mediation and conciliation; and in the event of their failure to agree upon both or either of the necessary arbitrators within the fifteen days, as hereinbefore provided, they shall at the expiration of such period, notify the board of mediation and conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection. If the parties to an arbitration desire the reconvening of a board to pass upon any dispute arising over the meaning or application of any provisions of an award, they shall jointly so notify the board of mediation and conciliation and shall state in such written notice, the question or questions to be submitted for decision to such reconvened board. The board of mediation and conciliation shall thereupon promptly communicate with the members of the board of arbitration and arrange for the reconvening of the board and shall notify the respective parties to the controversy of the time and place at which the board shall meet for hearings upon the matter in controversy to be submitted to it.

SEC. 5571. *Hearings.*—The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearing; and in its award or awards the said board shall confine itself to findings, or recommendations, directly bearing upon the questions submitted to it for decision. All testimony before said board shall be given under oath or affirmation. The board may employ such assistants as may be necessary in carrying on its work. It shall furnish a certified copy of its awards to the respective parties to the controversy, and shall transmit the original award, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the office of the board of mediation and conciliation.

SEC. 5572. *Employees of receivers.*—Whenever receivers appointed by the courts of the State of Michigan, or subject thereto, are in possession and control of the business of employers covered by this act, the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given

not less than twenty days before the hearing upon the receivers' petition or application.

SEC. 5573. *Compensation.*—Each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the board of mediation and conciliation, together with his traveling and other necessary expenses.

SEC. 5574. *Commissioner to be appointed.*—Within thirty days after the passage of this act, there shall be appointed by the governor, by and with the advice and consent of the senate, a commissioner of mediation and conciliation, whose salary shall be two thousand five hundred [dollars] per annum, and necessary expenses, and who shall be provided with an office by the board of State auditors. Said commissioner shall hold office for a term of two years, and until his successor is appointed and qualified, and shall be removed by the governor only for misconduct in office. The commissioner of mediation and conciliation shall place his entire time at the disposal of his official duties. The governor shall also appoint by and with the advice and consent of the senate, one other person who shall, together with the commissioner of mediation and conciliation, constitute the board of mediation and conciliation referred to in various places in this act. The person so appointed shall be required to give only such time to the work of said board as may be necessary to carry on its work satisfactorily, and he shall receive ten dollars per diem, together with traveling and other necessary expenses, while actually engaged in his duties in connection with the work of the board.

SEC. 5575. *Office force.*—The commissioner of mediation and conciliation shall have power to employ such assistance for his office or for the work of the board of mediation and conciliation as may be provided for in the appropriation acts of the legislature.

SEC. 5576. *Expenditures; reports.*—[Salaries and expenses, the latter not to exceed $6,000, are to be provided for as other State expenses. Annual reports are authorized.]

Water-closets for workmen on buildings

SECTION 5578. *To be provided, when.*—It shall be the duty of all architects to insert a clause in the specifications for all buildings providing for suitable temporary water-closets for the use of workmen employed on such buildings while in the course of erection, unless closets are already maintained on such premises; and it shall also be the duty of the contractor or person erecting such building to erect such closet within the first week after commencing work thereon.

SEC. 5579. *Violations.*—[Violations are punishable by fine, $5 to $25, or imprisonment to 30 days, or both.]

Employment of labor—Work away from home

SECTION 5580. *Restrictions.*—[Contracts involving removal from home must be in writing, specifying conditions of employment, wages, and payments. If children under 16 are employed, parents' written consent is required; also of the truant officer of the locality. Such child must be returned home on written request of the parents.]

SEC. 5581. *Repayment of advances for transportation.*—Every person, who, with intent to defraud, shall accept or receive transportation provided by or at the instance or expense of his employer, from any point in this State to or in the direction of the place where he has contracted to perform labor for, or render services to such employer, or who shall knowingly, and with intent to defraud, accept or receive the benefit of any other pecuniary advancements made by or at the instance and cost of his employer, under an agreement on the part of such person to perform labor or render services in repayment of the cost of such transportation or of such other benefits, shall be deemed and adjudged guilty of a misdemeanor if he shall neglect or refuse to render services or perform labor of an equal value to the full amount paid for such transportation or other benefits, or shall neglect or refuse to pay such employer in money the amount paid therefor. The value of the services to be rendered, or labor to be performed shall be determined by the price agreed to be paid therefor by such employer under his contract with the employee. The failure or refusal of any such employee to perform such labor or to render such services in accordance with his contract, or to pay in money the amount paid for such transportation or other benefits, shall be prima facie evidence of his intent to defraud.

Hours of labor

SECTION 5587. *Ten hours' work.*—In all factories, workshops, salt blocks, sawmills, logging or lumber camps, booms or drives, mines or other places used for mechanical, manufacturing, or other purposes within the State of Michigan, where men or women are employed, ten hours per day shall constitute a legal day's work, and any proprietor, stockholder, manager, clerk, foreman, or other employers of labor who shall require any person or persons in their employ to perform more than ten hours per day, shall be compelled to pay such employees for all overtime or extra hours at the regular per diem rate, unless there be an agreement to the contrary.

A contract containing no restrictions as to hours of labor and made with knowledge of a custom requiring more than ten hours' labor on the part of a company's employees and on which semimonthly payments were accepted as full compensation could not be sued on to recover for time worked in excess of ten hours per day. 82 Mich. 658.

Irregular occupations and employment by the week, month, or year are not within the statute. 85 Mich. 147.

SEC. 5588. *Contracts without provision as to time.*—In all contracts, engagements or agreements to labor in any mechanical, manufacturing, or other labor calling, where such contracts or agreements are silent, or no express condition specified, ten hours shall constitute a day's work, and the contract or agreement shall be so construed.

SEC. 5589. *Violations.*—[Violations are punishable by fine, $5 to $50.]

SEC. 5591. *Application of law.* Nothing in this act shall be construed to apply to domestic or farm laborers, or other laborers who agree to work more than ten hours per day.

Employment of children—School attendance

SECTION 5979 (as amended 1919, No. 132). *Attendance required.*—[Attendance to 16 is required unless (among other reasons) the child is 14, has completed the sixth grade, and his "services are essential to the support" of his parents; or is 14, has completed the eighth grade, and is regularly employed at some lawful work.]

SECS. 5989–5992. *Assistance.*—[Children under 16 whose services are needed for the support of parents may be assisted by payments of not more than $3 per person or $6 per family per week during the school year.]

Payment of wages in scrip

SECTION 7208. *Scrip, etc., to be redeemable in money.*—It shall be unlawful for any corporation to sell, give, deliver or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any scrip, token, order, or other evidence of indebtedness purporting to be payable or redeemable otherwise than in money. Any violation of the provisions of this section shall be punishable by a fine of not less than twenty-five dollars nor more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the court, and any such scrip, token, order, or other evidence of indebtedness issued in violation of the provisions of this act, whatever its provisions as to the time or manner of payment shall be, in legal effect, an instrument for the unconditional payment of money only on demand, and the amount thereof may be collected in money by an holder thereof in a civil action against the corporation selling, delivering or in any manner or for any purpose issuing the same; and such holder may be either the person to whom such instrument was originally issued or who acquired the same by purchase and delivery.

SEC. 7209. *Evidence.* Any scrip, token, order, or other evidence of indebtedness, issued in violation of the provisions of this act, and presented by the holder thereof, shall be taken as prima facie evidence, in any court of competent jurisdiction, of the guilt or indebtedness of any corporation selling, giving, delivering or in any manner issuing the same.

SEC. 7210. *Who made defendants.*—Any person selling, giving, delivering or in any manner issuing said scrip, token, order, or other evidence of indebtedness in behalf of any corporation in violation of the provisions of the preceding sections shall be the defendant to the criminal action, and the corporation shall be held as defendant to the civil action: *Provided*, That

the provisions of this act shall not apply, when any employee shall voluntarily request or consent to receive scrip, tokens or orders upon any person, company or corporation in payment, or part payment, of wages due, or to become due, to such employee.

Employment of children in certain occupations forbidden

SECTION 7222. *Acrobatic, etc., occupations.*—[The employment of children under 16 in acrobatic, mendicant, etc., employments is forbidden. For text of similar law see sec. 2223, Delaware Code.]

Railroads—Reports, etc., of accidents—Inspection—Rules

SECTION 8141. *Accidents.*—[Railroads are directed to report all accidents to the railroad commission, which may make investigation if it deems the public interests require it.]

SEC. 8142. *Inspection.*—[The commission may, on complaint or otherwise, inspect equipment, tracks, bridges, etc., as to safety for employees and the public, and may give notice of needed changes, which must be made, under penalty.]

SEC. 8296. *Companies to furnish rules.*—It shall be the duty of every railroad corporation in this State to furnish to each of its employees of every grade a printed or written copy of its rules and regulations relative to their respective duties, and any conductor, engineer, servant, or other employee of any such railroad corporation, who shall knowingly violate any of the printed or written rules or regulations of such company, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or to an imprisonment in the county jail not more than three months, or both, such fine and imprisonment, in the discretion of the court.

Railroads—Bridges, etc., over tracks

SECTION 8358. *Height.*—[No bridge may be erected less than 18 feet above a railroad track except in cities and villages having the power to regulate the height, unless by written consent of the commissioner of railroads. This does not apply to railroad bridges.]

SEC. 8368 (as amended 1921, No. 288). *Wires.*—[No wire, electrical or other, may be strung across the tracks of any railroad except as approved by the public utilities commission.]

SEC. 8370 (as amended 1921, No. 288). *Enforcement.*—[The commission may inspect all places where tracks are crossed by wires, and if they should be of greater height, may order changes, no wire to be less than 22 feet from the established grade.]

Railroads—Bridges, etc., over tracks—Telltales

SECTIONS 8400, 8401. *Required when.*—[If any bridge, viaduct, etc., is less than 7 feet above the roof of freight cars used on a railroad, telltales or warning cords must be placed at a distance fixed by the commissioner of railroads, the cords, straps or ropes to be not more than 9 inches apart, for a space of 8 feet directly over the track. If two bridges, etc., are less than 100 feet apart, no guard need be erected between them.]

Railroads—Qualifications of employees

SECTION 8403. *Experience to be stated.*—Every person hereafter employed upon any steam railroad in this State in the capacity of locomotive engineer, conductor or flagman shall file in the office of the Michigan Railroad Commission an affidavit, in such form as the commission may prescribe, setting forth the length of railroad experience of the person making the same, and for what company or companies and in what capacity performed.

SEC. 8404. *Engineers.*—No person shall run or operate any locomotive or other motor power upon any railroad in the State of Michigan without first having served three years as fireman prior to qualifying for freight service and two years as a freight engineer before qualifying for passenger service.

SEC. 8405. *Conductors.*—No person shall act or engage to act as a conductor on a railroad freight train in this State without having for two years prior

thereto served or worked in the capacity of a brakeman or conductor on a freight or passenger train on a line of road; nor shall any person act or engage to act as a conductor on a passenger train in this State without having for one year prior thereto served or worked in the capacity of a conductor of a freight or passenger train on a line of road.

SEC. 8406. *Telegraph operators.*—It shall be unlawful for any common carrier by railroad, carrying freight or passengers between points in this State, to employ any telegraph operator who has not had at least thirty days' experience in the handling of train orders under the tutorship of an experienced telegraph operator and shall have attained the age of nineteen years.

SEC. 8407. *Flagmen.*—No person shall act or engage to act as a flagman on a railroad train in this State without having for three months prior thereto served or worked as a brakeman on a freight train or passenger train on a line of road.

SEC. 8408. *Employment forbidden.*—No railroad company by its officers, agents or employees shall knowingly engage or employ any person to act in the capacity of locomotive engineer, conductor or flagman in violation of the provisions of this act.

SEC. 8409. *Construction of act.*—Nothing in this act shall be construed as applying to the running or operating of engines in taking said engines to or from trains at division terminals by engine hostlers, or of the shifting of cars or making up trains or doing any work appurtenant thereto, or engine houses, trams or freight yards by switchmen or yardmen, or in the case of the disability of an engineer or a conductor or a flagman while out on the road between division terminals, or in case of relief or wrecking trains, in case of accident or wreck.

SEC. 8410. *Exemptions.*—The provisions of this act shall not apply to any railroad company within this State nor the receiver or lessee thereof, whose line of railway is less than thirty miles in length, nor shall anything herein contained relieve any railroad company from the negligence of any of its employees. In case any railroad company is unable to hire a sufficient number of men having the experience for the respective positions specified in this act, at the average rate of wages paid by said company during the next preceding year, it shall be deemed a substantial compliance with this act if such company shall employ from among such men as are available those having the highest qualifications as to experience and efficiency.

Protection of employees on street railways

SECTION 8581 (as amended 1919, No. 320). *Inclosed platforms.*—[Electric, cable, etc., street cars requiring workmen to be on the platforms, must have such platforms inclosed from November 1 to April 1 of each year so as to protect such workmen from the inclemencies of the weather. Such inclosed platforms "shall be so heated as to be suitably and adequately warm."]

Mine regulations—Metal mines

SECTION 9014. *Drilling.*—[Operators of iron or copper mines must so arrange their work underground that no employee shall operate a power or machine drill more than 150 feet distant from the other persons regularly and continuously employed in the same working.]

Labor organizations—Incorporation

SECTION 9823. *Incorporation.*—Any number of persons, not less than five, may associate themselves together and become a body corporate and politic for the improvement of their several social and material interests, the regulation of their wages, the laws and conditions of their employment, the protection of their joint and individual rights in the prosecution of their trades or industrial avocations, the collection and payment of funds for the benefit of sick, disabled or unemployed members, the securing of benefits to the families of deceased members, and for such other and further objects of material benefit and protection as are germane to the purposes of this act. The persons so associating shall execute articles of association as hereinafter provided, sign and acknowledge the same before some officer duly authorized by the laws of

this State to take acknowledgment of deeds, and upon the execution and acknowledgment of said articles of association aforesaid, the said association shall become a body politic for the purposes set forth in said articles of agreement.

SEC. 9825. *Articles to state what.*—The articles of association shall state:

First, The names of persons associating in the first instance with their places of residence;

Second, The purposes of the association, conforming with the provisions of this act;

Third, The corporate name and period of incorporation, not to exceed a period of thirty years;

Fourth, The terms, conditions, and qualifications of membership in the corporation;

Fifth, The officers and committees created, with the names of officers and members of committees first selected, the terms of such officers and members, and the time of holding an annual meeting.

SEC. 9829. *Incorporation of existing bodies.*—All societies, unions or associations of tradesmen or laborers actually existing and conducting their affairs under a constitution or articles of association, may become a body corporate and politic, for the general purposes of this act, upon filing a copy of their constitution or articles of the association, society, or union, verified by the oath of one of the executive officers of such society, association, or union in the office of the secretary of state, and a like verified copy in the office of the county clerk of the county where such association, society, or union is formed. All societies, unions, and associations, becoming corporations as above provided, shall be subject to the provisions of this act.

SEC. 9831. *Vesting of property.*—All moneys, properties, or rights in action, equitably belonging to any society, union or association at the time the same shall become incorporated under the provisions of this act, shall vest in the corporation so formed, and may be recovered by such corporation in an action of assumpsit, or on the case, from any person unlawfully withholding the same.

[Similar provision is made for the incorporation of mechanics' associations, secs. 9795 to 9805; labor associations affiliated with the American Federation of Labor, secs. 9806 to 9812; arbeiter bunds, secs. 9813 to 9818; trades-unions, secs. 9819 to 9822; and assemblies of Knights of Labor, secs. 10305 to 10310.]

Accident insurance—Choice of companies

SECTION 11357. *Coercion as to insurance.*—It shall hereafter be unlawful for any company or corporation doing business in this State or for any of the officers and agents of any such company or corporation, to require any of the employees of such company or corporation to take out or obtain a life, accident or life and accident policy in favor of such employee or other person in any particular or designated life, accident or life and accident company or association.

SEC. 11358. *Contracts void.*—All contracts hereinafter made between any such company or corporation and any employee of said company or corporation requiring or stipulating that the employee so contracting shall procure, obtain or have a policy of insurance in any particular or designated company or association shall be void: *Provided*, That nothing in the foregoing provisions of this act is intended to prohibit, or shall be construed as prohibiting the employers of labor and the persons employed from voluntarily making agreements with each other for contributions of money by the latter to any fund to be accumulated in their behalf and for their benefit in common with others, and in such case from further agreeing that the employer may deduct from their wages, from time to time, the sums due from them under such agreement.

SEC. 11359. *Violations.*—[Violations by company or corporation entail a fine of not more than $200; by shareholder or agent, imprisonment not exceeding 60 days, or fine not more than $100, or both.]

Wages as preferred claims—In assignments

SECTION 13614. *Rank.*—[Labor debts entitled to preference under State laws are to be paid next after taxes and costs.]

Suits for wages—Security for costs not required

SECTION 14179. *Security for costs not required, when.*—In any suit brought to recover for the personal work and labor of the plaintiff, security for costs

shall not be ordered in case the plaintiff shall make and file with the court an affidavit that he has a good and meritorious cause of action and is unable to procure security for costs.

Execution on judgments for wages not to be stayed

SECTION 14294. *Execution forthwith.*—* * * In suits to recover for the personal work and labor of the defendant [plaintiff], or any member of his family, execution shall, on application of the person in whose favor the judgment was rendered, his agent or attorney, be issued forthwith after the rendition of the judgment.

Exemption of wages from garnishment

SECTION 14365. *Amount.*—[To a householder who is head of a family, 60 per cent of his employer's indebtedness for labor, not over $30 and at least $8, is exempt from garnishment; to one "not a householder having a family," 30 per cent of the employer's indebtedness is exempt; and if the defendant is not a householder, not over $15 is exempt, though in all cases at least $4 is exempt.]

Wages as preferred claims—In insolvency

SECTION 14622. *Rank.*—[In cases of insolvency labor debts take precedence over all other debts which were not a lien on the estate or some portion thereof prior to the performance of the labor.]

Intimidation of employees

SECTION 15010. *Making threats, etc.*—If any person or persons shall, by threats, intimidations, or otherwise, and without authority of law, interfere with, or in any way molest, or attempt to interfere with, or in any way molest or disturb, without such authority, any mechanic or other laborer, in the quiet and peaceable pursuit of his lawful avocation, such person or persons shall be deemed guilty of a misdemeanor, and on conviction by a court of competent jurisdiction, shall be severally punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment in the county jail where the offense shall have been committed, not less than one month nor more than one year, or by both fine and imprisonment, in the discretion of the court; but if such punishment be by fine, the offender shall be imprisoned in such jail until the same be paid, not exceeding ninety days.

Antitrust law—Exemptions

SECTION 15038 (as amended 1917, No. 171). *Route lists.*—This act shall not apply * * * to any contract of employment under which the employer furnishes or discloses to the employee a list of customers or patrons, commonly called a route list, within certain territory in which such employee is to work, in which contract the employee agrees not to perform similar services in such territory for another engaged in a like or competing line of business for a period of ninety days after the termination of such contract or services.

SEC. 15100. *Labor organizations.*—The provisions of this act shall not apply * * * to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members.

Forced contributions from employees

SECTION 15118. *Exacting contributions.*—It shall be unlawful for any employer of labor, by himself, his agent, clerk or servant to require any employee, or person seeking employment, as a condition of such employment, or continuance therein, to make and enter into any contract, oral or written, whereby such employee or applicant for employment shall agree to contribute directly or indirectly to any fund for charitable, social or beneficial purpose or purposes.

SEC. 15119. *Making deductions from wages.*—It shall be unlawful for any such employer, by himself, his agent, clerk or servant, to deduct from the wages of any employee, directly or indirectly, any part thereof without the full and free consent of such employee, obtained without intimidation or fear of discharge for refusal to permit such deduction.

SEC. 15120. *Individual liability.*—If the employer be a firm or corporation, each and every member of said firm, and each and every managing officer of the corporation, shall be liable to punishment under this act; and any clerk, servant or agent of any such employer who shall do or attempt to do any act forbidden by this act, shall be equally liable with his employer or employers as principal, for any such violations of this act.

SEC. 15121. *Violations.*—[Violations entail fine, $25 to $100, or imprisonment 10 to 90 days.]

Protection of employees as voters

SECTION 15174. *Attempting to control vote.*—Any person who shall directly or indirectly discharge or threaten to discharge any persons who may be in his employ for the purpose of influencing his vote at any election in this State * * * shall be deemed guilty of corrupt practice, and on conviction thereof shall be punished as provided for in section four of this act [fined not less than twenty-five nor more than two hundred dollars].

Guards on corn huskers

SECTION 15268. *Sale or use of unguarded huskers.*—Hereafter it shall be unlawful for any person, partnership, association or corporation, or for any officer or agent thereof, to sell or offer for sale, or to use within the State of Michigan, the machine commonly known as a corn husker, unless the same is safeguarded by an automatic feeder or other safety device, that shall compel the person, or persons feeding said machine, to stand at a reasonably safe distance from the snapping rollers, and designed effectually to protect the person or persons operating the same from bodily injury while engaged in such operation.

Bribery, etc., of employees

SECTION 15590 (as amended 1923, No. 146). *Bribery.*—It shall be unlawful for any person to give, offer or promise to an agent, employee or servant of another or any other person, any commission, gift or gratuity whatever, or to do an act beneficial to such agent, employee, or servant or another, with intent to influence the action of such agent, employee, or servant in relation to his principal's, employer's or master's business; or for an agent, employee or servant to request or accept for himself or another any commission, gift or gratuity or any promise to make any commission, gift or gratuity to himself or another or the doing of an act beneficial to himself or another, according to any agreement or understanding between him and any other person to the effect he shall act in any particular manner in relation to his principal's, employer's or master's business.

2 (added 1923, No. 146). *Fraud.*—It shall be unlawful for any person, corporation, partnership, or other organization to use or to give to an agent, employee, or servant or another, or for any agent, employee, or servant, to use, approve, or certify, with intent to deceive the principal, employer or master, any receipt, account, invoice, or other document in respect of which the principal, employer, or master is interested, which contains any statement which is false, erroneous, or defective in any material particular or which omits to state fully the fact of any commission, money, property, or other valuable thing having been given or agreed to be given to such agent, employee or servant.

3 (added 1923, No. 146). *Evidence not admissible.*—Evidence shall not be admissible in any proceeding or prosecution under this act to show that a gift or acceptance of any commission, money, property, or other valuable thing as is mentioned in this act is customary in any business, trade, or calling, nor shall the customary nature of such transaction be any defense in any such proceeding or prosecution.

4 (added 1923, No. 146). *Evidence required.*—In any proceeding or prosecution under this act no person shall be excused from attending and testifying or from producing documentary evidence in obedience to the subpœna of the court on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify when compelled to do so over his objection, or produce evidence, documentary, or otherwise, in obedience

to the subpœna: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

5 (added 1923, No. 146). *State's evidence immune from prosecution.*—The first person committing offense within the purview of this act, who shall report the facts, under oath, to the prosecuting attorney of the county where the offense is triable and who shall give evidence tending to the conviction of any other person charged with an offense under this act shall be granted full immunity from prosecution under this act with respect to the offense reported.

6 (added 1923, No. 146). *Violations.*—[Violations are punishable by fine not exceeding $300, or imprisonment not more than 1 year, or both.]

7 (added 1923, No. 146). *Proviso.*—If any provision of this act shall, for any reason, be adjudged to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act.

ACTS OF 1917

Act No. 92.—*Discharge of railroad employees—Hearings*

Section 1. *Hearings required, when.*—It shall be unlawful for any common carrier by railroad, its agents, superintendents, managers, or employees owning or operating any line or lines of railroad in this State and engaged in commerce by railroad, employing any special agent, detective, or person commonly known as a spotter for the purpose of investigation and obtaining and reporting to the employer, its agents, superintendents, or managers information concerning its employees to discipline or discharge any of its employees where such act of discipline or discharge is based upon the report of such special agent, detective, or spotter, which involves a question of integrity, honesty, or breach of any rule of the employer unless such employer, its agents, superintendents, or managers shall first give notice to such employee so reported and grant a hearing to him when he so requests and upon demand by said employee, the employer at such hearing shall state the specific charges against said employee, and the accused employee shall have the right to demand and be confronted with the person making such report to his employer, and to have the right at such hearing to cross-examine the agent, detective, or spotter making such report, and shall have the right to employ counsel to represent him at such hearing.

Sec. 2. *Violations.*—[Violations incur penalty of fine not more than $300, or imprisonment not more than 6 months, or both. Where the offender is an officer or employee of a common carrier by railroad, the penalty of imprisonment shall be imposed on such officer or employee.]

Act No. 256.—*Insurance—Unemployment—Accident*

Part Three

Chapter I

Section 14 (as amended 1923, No. 71). *Insurance corporations.*—Any number of persons, not less than thirteen, may associate together and form an incorporated company for the following purposes, to wit:

First, To insure railway employes against loss of position resulting from discharge or retirement;

Second, To insure any person against bodily injury or death by accident, or against disability on account of sickness;

Third, To insure the lives and health of persons and every insurance pertaining thereto, and to grant, purchase or dispose of annuities.

Chapter II

Section 14. *Provisions of policies.*—Every such [health and accident] policy so issued shall contain standard provisions, which shall be in the words and in the order hereinafter set forth and be preceded in every policy by the caption "standard provisions." In each such standard provision wherever the word "insurer" is used, there shall be substituted therefor "company" or "corporation" or "association" or "society" or such other word as will properly designate the insurer. Such standard provision shall be:

* * * * * * * *

(12) A standard provision providing for cancellation of the policy at the instance of the insured which shall be in the following form:

(A) 12. If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy, the insurer, upon written request of the insured, and surrender of the policy, will cancel the same and will return to the insured the unearned premium.

* * * * * * *

SEC. 22. *Exemption.*—Nothing in this subdivision, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

* * * * * * *

CHAPTER III

SECTION 1. *Who may incorporate; purpose.*—Any number of persons, not less than seven, residents of this State, may incorporate for the purpose of carrying on, upon the assessment or cooperative plan, the lines of casualty insurance herein enumerated.

SEC. 2. *Classes of insurance.*—The classes of insurance which may be carried on by companies incorporated under this chapter shall be as follows:

(*a*) Providing to members indemnity for disability or death by accident, and disability by sickness, and may provide a funeral benefit not exceeding $200 separate or in conjunction with accident and sickness indemnity.

(*b*) Providing indemnity to members not exceeding $500 to any one member, for loss of position arising from discharge or retirement, in companies composed of conductors, engineers, or motormeu of steam and electric railways, or of other similar trades or occupations.

* * * * * * *

SEC. 3. *When to begin business.*—No corporation doing business under subsection (*a*) or (*b*) of section two hereof shall commence business, unless it shall have procured bona fide agreements for iusurance therein from at least two hundred eligible persons, * * * shall have received at least one assessment thereon in cash from each of such persons, according to the rate and plan set forth in its article of association, which amount so received in cash shall aggregate for (*a*) at least $1,000; for (*b*) $200 * * *; nor until it has fully organized by the election of the proper and suitable officers and the secretary and treasurer shall have given good and sufficient bonds to the association to be held by the president of the association, for the faithful performance of their duties, which bonds shall not be less than $2,000 and shall be at least twice the amount of money liable to come into their hands as such officers at any one time, said bonds to be approved by the commissioner of insurance. The president and secretary of such corporation shall furnish under oath to the commissioner of insurance proof of such agreements for insurance, giving the name, residence, age, and amount of insurance applied for by each applicant and the amount of assessment actually paid by each applicant, and also proof of the election and qualification of the officers, aud the custodian of the funds of any such corporation shall furnish to the commissioner of insurance a certificate under oath that he has received and holds in trust for the benefit of the beneficiaries of such applicants, the sum required as above set forth herein.

SEC. 4. *Directors.*—The property, business and affairs of such corporation, organized under the laws of this State, shall be managed by not less than five nor more than twenty directors or trustees, to be chosen by and from the members at their annual meeting. They shall hold office for one year, and until their successors are chosen: *Provided*, It shall be lawful to designate the trustees or directors for the first year in the articles of associatiou.

[Details as to reserves, assessments, etc., follow.]

ACTS OF 1919

Act No. 239.—*Employment of labor—Equal pay for women*

Section 1. *Discrimination forbidden.*—Hereafter it shall be unlawful for any employer of labor in this State, employing both males and females in the manufacture or production of any article, to discriminate in any way in the payment of wages as between sex or to pay any female engaged in the manufacture or production of any article of like value, workmanship, and production a less wage, by time or piecework, than is being paid to males similarly employed in such manufacture, production, or in any employment formerly performed by males: *Provided, however,* That no female shall be given any task, disproportionate to her strength, nor shall she be employed in any place detrimental to her morals, her health, or her potential capacity for motherhood.

Sec. 2. *Penalty.*—Any person, persons, firm, or corporation violating the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars or by imprisonment not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Act No. 322.—*Employment of labor—Foremen receiving tips, gratuities, etc.*

Section 1. *Acts forbidden.*—Any employer or agent or representative of an employer or other person having authority from his employer to hire, employ, or direct the services of other persons in the employment of said employer, who shall demand or receive directly or indirectly from any person then in the employment of said employer, any fee, gift, or any remuneration, or consideration or any part or portion of any tips or gratuities received by such employee while in the employment of said employer, in consideration or as a condition of such employment, or hiring or employing any person to perform such services for such employer or of permitting said person to continue in such employment, is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than two hundred fifty dollars for such offense, or by imprisonment for not more than six months or by both such fine and imprisonment in the discretion of the court.

Sec. 2. *Act construed.*—Nothing contained in this act shall be construed to apply to employment agencies or employment agents licensed and operating under the laws of this State.

Act No. 342.—*Provisions for accidents—Railroads*

Section 1. *First-aid kits.*—On and after the first day of November, nineteen hundred nineteen, every railroad company owning and operating any steam railway or any interurban electric railway, wholly or partly within this State, shall provide and carry in one coach on every train owned or used by said company for the conveyance and carriage of passengers, a first-aid cabinet near the door thereof and within easy view, reach, and access of passengers occupying such car, which cabinet shall at all times contain the various contents specified in section two, to be used for the safety and aid of passengers in case of emergencies: *Provided,* This section shall not apply to caboose cars on freight trains, nor to electric street cars operated wholly within the cities for local traffic.

Sec. 2. *Supplies.*—The first-aid cabinet shall at all times be equipped with and contain the following contents in a clean and sanitary condition:

(1) Eight standard first-aid packages for wounds, each one of which shall contain one dozen pieces of antiseptic lintine or felted cotton, one dozen gauze bandages with compress attached, and one triangular bandage.
(2) Ten ounces absorbent lint.
(3) Two burn-dressing packets.
(4) Four packages absorbent gauze, each containing one yard.
(5) Six packages absorbent cotton, each containing four ounces.
(6) One spool adhesive plaster, one inch wide.
(7) Twelve cotton roller bandages, two inches wide.
(8) Twelve cotton roller bandages, two and one-half inches wide.
(9) Eight linton gauze bandages, one inch wide.
(10) Eight linton gauze bandages, two inches wide.
(11) Twelve linton gauze bandages, two and one-half inches wide.

(12) One four-ounce bottle aromatic spirits of ammonia.
(13) One pint of tincture of iodine.
(14) Twelve wooden splints.
(15) Six packages safety pins.
(16) Three tourniquets.
(17) Two pairs of scissors.

SEC. 3. *Removal.*—Any person or employee of any railroad company who shall remove or carry away from their proper place, except in case of an accident or emergency, any of the contents specified in section two, which are required to be kept in the passenger cars and interurban cars by the provisions of this act, shall be deemed guilty of an offense, and upon conviction thereof may be punished by a fine not exceeding fifty dollars or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment in the discretion of the court.

SEC. 4. *Violations.*—[Violations are punishable by fine not exceeding $100.]

SEC. 5. *Enforcement.*—The provisions of this act shall be enforced by the State board of health.

ACTS OF 1921

ACT No. 43.—*Department of labor and industry*

SECTION 1. *Department created.*—There is hereby created a department to be known and designated as the Department of Labor and Industry of the State of Michigan, which shall possess the powers and perform the duties hereby granted and imposed. The administration of said powers and duties shall be vested in a commission of three members appointed by the governor with the advice and consent of the senate. Each member of the commission shall devote his entire time in the performance of the duties of his office. Each member of said commission shall qualify by taking and filing the constitutional oath of office and shall hold office until the appointment and qualification of his successor. Any vacancy shall be filled in the same manner as appointments are made in the first instance. The chairman of such commission shall be appointed by the governor, and shall have general charge of and supervision over the administrative affairs of such department in so far as relates to the division and assignment of the work thereof. It shall be the duty of the board of State auditors to provide suitable offices at the city of Lansing for the department hereby created.

SEC. 2. *Rules.*—The commission may adopt rules and regulations not inconsistent with law for the governing of its own organization and procedure. It shall also adopt a suitable seal, of which all the courts shall take judicial notice, and all orders and official proceedings shall be authenticated thereby. The commission shall have power to appoint such deputies, assistants, and employees as may be necessary for the performance of the duties hereby imposed, the compensation to be paid thereto and the number of such deputies, assistants, and employees to be subject to the approval of the State administrative board. Each of such deputies shall take and file the constitutional oath of office and shall possess all of the power and authority conferred by Act number ten of the Public Acts of Michigan, of the first extra session of nineteen hundred twelve, and the amendments thereto, upon the deputy members of the industrial accident board, and by Act number two hundred eighty-five of the Public Acts of Michigan of nineteen hundred nine, and amendments thereto, upon the deputy commissioner of labor. Each member of the commission shall receive an annual salary of four thousand dollars; and all officers and employees of the department shall be entitled to their necessary expenses incurred while traveling in performance of any of the duties hereby imposed. All salaries and expenses hereby authorized shall be paid in the same manner as the salaries and expenses of other State officers and employees are paid.

SEC. 3. *Powers.*—The powers and duties now vested by law in the industrial accident board, the department of labor, the State labor commissioner, the board of boiler rules, created by Act number one hundred seventy-four of the Public Acts of nineteen hundred seventeen, and the industrial relations commission are hereby transferred to and vested in the department of labor and industry hereby created. Immediately on the taking effect of this act the boards, departments, commission, and officers whose powers and duties are hereby transferred shall be abolished, and whenever reference thereto is made in any law of the State reference shall be deemed to be intended to be made to

the department of labor and industry. Any hearing or other proceeding pending before any such department, board, commission, or officers shall not be abated but shall be deemed to be transferred to the commission provided for in section one of this act, and shall be conducted and determined thereby in accordance with the provisions of the law governing such hearing or proceeding.

SEC. 4. *Reports.*—On or before the first day of January of each year in which a regular session of the legislature is held, the commission shall make and file with the governor a report covering the preceding biennial period, covering the activities of the department, and the receipts and disbursements made thereby. Said report shall be accompanied by the recommendations of the commission with reference to such changes in the laws applying to or affecting industrial and labor conditions as the said commission may deem expedient. Said report shall, if so ordered by the board of State auditors, be printed by the board of State auditors and shall be distributed in such manner and to such persons, organizations, institutions, and officials as the board of State auditors may direct.

SEC. 5. *Act in effect.*—This act shall take effect on the first day of July, nineteen hundred twenty-one; and all acts or parts of acts in any way contravening the provisions of this act shall be deemed to be superseded and repealed as of said date. All records, files, and other papers belonging to any of the departments, boards, commissions, and offices the duties of which are hereby transferred to the department of labor and industry shall be turned over to said department and shall be continued as a part of the records and files thereof.

MINNESOTA

CONSTITUTION

ARTICLE 1.—*Suits for wages—No property exempt*

SECTION 12. *No exemption from judgments for wages.*—* * * A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law: *Provided, however,* That all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair, or improvement of the same: *And provided further,* That such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.

GENERAL STATUTES—1913

Employment of children—School attendance

SECTION 2979 (as amended 1923, ch. 78). *Attendance required.*—[School attendance is required to 16 years of age, but if 14 and help is required in or about the house, children may be excused between April 1 and November 1 except in cities of the first and second class.]

SEC. 2982. *Employment during school.*—[Knowingly employing during the school session any child unlawfully absent from school is a misdemeanor.]

SEC. 2984. *Enforcement.*—[The commissioner of labor is authorized to assist in the enforcement of this act.]

Department of labor and industries

[This department is under the control of the industrial commission of the State: See chapter 81, Acts of 1921. Its duties are devolved on that commission, so that the following sections, so far as not inconsistent with the act of 1921, remain in force.]

SECTION 3813. * * * *Appointees.*—All other officers and employees of the department except the assistant labor commissioner and one stenographer shall be appointed by the labor commissioner from a list of persons whose competency shall have been certified to by a board of examiners as provided in sections 3 to 7 of this act, and shall remain in office until removed by the commissioner. The assistant labor commissioner and one stenographer shall be appointed by the commissioner without such examination: *Provided,* That the commissioner of labor upon the removal from office of any officer or employee appointed after examination by the board of examiners, shall file a statement in writing, giving the reasons for said removal, with the secretary of state, which statement shall be open to public inspection. The failure of the commissioner to make and file such statement within five days after such removal shall operate to reinstate such official or employee. No removal of any officer or employee covered by this act shall be made except for neglect of duty, incompetence, insubordination, intoxication or immorality: *Provided,* That all officers of the department shall hold office until their respective successors qualify.

SEC. 3814. *Qualifications.*—No person shall be eligible to appointment as a chief factory inspector, elevator inspector, railroad inspector or factory inspector in the department of labor who is not possessed of practical experience and knowledge in and of the operation of such machinery, appliances and work places as he may be called upon to inspect; and every person desiring such an appointment shall be required to pass such a competitive examination touching his general qualifications and his knowledge of the trade and technical phases of the work required in such position as may be deemed necessary by the board of examiners to the proper discharge of the duties of such position. No person shall be appointed to the position of deputy labor commissioner who is not possessed of such qualifications as the board of examiners may determine necessary. No person shall be appointed superintendent of the

bureau of women and children who is not competent to investigate and report to the commissioner of labor upon the conditions under which women and children are at work in all factories, workshops, hotels, restaurants, mercantile establishments and other places where women and children are employed, with such recommendations as will promote the health and welfare of the women and children so employed in this State. No person shall be appointed as a local manager or other employee of the State free employment offices who is not possessed of such knowledge as the board of examiners may deem necessary for the proper fulfillment of the duties of such position. No person shall be competent for appointment as statistician in the department of labor who has not demonstrated his competency to the satisfaction of the board of examiners, by his fulfillment of similar duties at a previous time, or, in the absence of, or in addition to previous experience, can not satisfactorily pass such examination as the board of examiners shall provide for the filling of such statistical position. Experts and special agents appointed by the commissioner to assist in statistical or investigation work shall have such qualifications and pass such examinations as the board of examiners may specify. The commissioner of labor shall be empowered to temporarily appoint properly qualified persons who have not passed such examinations as are provided in sections 2 and 3 [3813, 3814] of this act for a period of not to exceed sixty (60) days' duration: *Provided*, That such appointments may not be renewed at the expiration of said sixty (60) days unless such appointee has passed the regular examination for such position. No person shall be eligible to appointment to any position in the department of labor, who, in addition to passing such examinations or meeting such requirements as are specified by law, is unable to satisfy the board of examiners and the appointing officers of his moral, mental and physical fitness to hold such position.

SEC. 3815. *Examiners.*—To carry out the provisions of sections 2 and 3 [3813, 3814] of this act a board of examiners is hereby created[,] consisting of the State labor commissioner and two persons appointed by the governor. The labor commissioner shall be an ex-officio member of said board and the other members shall be appointed for a term of two years beginning the first Monday in January of each odd numbered year: *Provided*, That the first appointments under this section shall be made on or before June 1, 1913. In case of the inability of any member of this board to be present at any examination, the governor shall appoint a competent person to act in his place. The State labor commissioner shall be the secretary of such board and shall keep the records, which shall contain all the proceedings of the board in reference to examinations and of its actions in carrying out the provisions of this act, and all examination papers, which shall be public records. The secretary of the board shall likewise keep and have open to the inspection of the public a list of the names of the persons who are eligible to appointment. Two (2) members of the board shall constitute a quorum for the transaction of business. A chairman shall be elected by the board from its number. No member of the board shall receive any compensation for his services herein required, except his reasonable and necessary expenses, which shall be paid out of the fund appropriated for the maintenance of the department of labor in the same manner as other charges against such fund are paid.

SEC. 3816 (as amended 1919, ch. 109). *Examinations.*—The board of examiners shall provide suitable lists of questions for such examinations which shall be submitted to the applicants in such manner as the board may determine; and a list shall be made of the successful applicants, from which list the labor commissioner shall make selections for the positions above named. The board also may certify, for promotion or transfer to another position, with or without a competitive examination, any employee who has demonstrated his competency to the satisfaction of the board.

* * * * * * *

SEC. 3818. *Definitions.*—The words "factory" and "mill," as used in this chapter, shall mean any premises where water, steam, electrical or other mechanical power is used in the aid of manufacturing or printing process there carried on. The term "workshop," as so used, shall mean any premises, room or place, not factory or mill as above defined, wherein manual labor is exercised by way of trade or for purpose of gain in or incidental to a process of making, altering, repairing, cleaning, ornamenting, finishing or adapting for sale or use any article or part thereof. The term "engineering work," as so used, shall mean any work of construction, operation, alteration, or repair of

a railroad or street railway, of the works or offices of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building. The term "mercantile establishments" shall mean any wholesale or retail establishment, theater, bowling alley, pool room or other place of amusement, hotels, restaurants, photograph galleries, [and] warehouses. But nothing herein shall interfere with the powers conferred by law upon the railroad and warehouse commissioners or the county mine inspectors.

SEC. 3819 (as amended 1919, ch. 110). *Duties and powers.*—The department shall enforce all laws regulating the employment of minors and women, the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and shall be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by section 1448, Revised Laws of 1905. It shall be empowered to gather statistics relating to all branches of labor, to labor troubles and unions, and to the economic and social conditions of the laboring classes. In the discharge of its duties the members and employees of the department may enter any factory, mill, workshop, warehouse, mercantile establishment, office, engineering work or other place where persons are employed, or any office from which such place of employment is directed or managed, at all reasonable times, give such direction as may be necessary to enforce the laws, and remain while engaged in their official duties. They may also enter any place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the department of labor and industries may issue subpœnas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he is paid the fees provided for witnesses in the district court.

The bureau of women and children shall have power to enforce and cause to be enforced, by complaint in any court or otherwise, all laws and local ordinances relating to the health, morals, comfort, and general welfare of women and children.

SEC. 3820. *Free employment bureaus.*—The department may establish State free employment bureaus in the cities of St. Paul, Minneapolis, Duluth, Winona, and one in the northwestern portion of the State, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureaus. Every application made by an employer or an employee to the free employment bureau shall be void after thirty days from its receipt, unless the same be renewed by the applicant.

The managers of the State free employment offices shall cause to be received and recorded in books kept for that purpose, the names of all persons applying for employment, as well as the addresses of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered. Such managers shall also perform such other duties pertaining to the work of the State free employment bureau in the collection of labor statistics and in keeping the books and accounts of such bureau as the commissioner may require, and shall report monthly all business transacted by such offices to the commissioner of labor.

SEC. 3821. *Reports.*—On request of the department, and within the time limited therein, every employer of labor, any officer of a labor organization, or any other person from whom the department of labor shall find it necessary to gather information, shall make a certified report to the department upon blanks furnished by it, of all matters covered by the request. The names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the department shall be in writing, signed by any officer or inspector of the department, or a person specially designated for the purpose, and be served by him. Papers so served and all records and documents of the department are hereby declared public documents and shall not be destroyed within two years after their return or receipt by the department.

SEC. 3822. *Appeal to courts.*—Within ten days after the service of any order or direction of the department, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more

than thirty (30) days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decision shall take the place of the original order. In cases of affirmance, the losing parties shall pay a reasonable compensation to the referees, to be fixed by the court. In cases of decisions rendered adverse to the order of the department of labor, such compensation shall be paid out of the appropriation for the support of the department.

SEC. 3823. *Local ordinances.*—Whenever the department learns of a violation of a local ordinance for the protection of employees, it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement.

SEC. 3824. *Reports.*—The department shall report to the legislature at each regular session. Such reports shall contain an account of the doings of the department, the statistics gathered by it; a statement of all violations of law which come to its knowledge, and any proceedings had in consequence; and such recommendations as the commissioner may deem proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects investigated by the department that are of special interest to the welfare and prosperity of the State. Such special reports and bulletins shall be printed as in the case of other executive documents.

SEC. 3825 (as amended 1917, ch. 13). *Offenses.*—Any officer, agent, or employee of the department who shall disclose the name of any person supplying information at the request of the department shall be guilty of a misdemeanor. Any person who, having been duly subpœnaed, shall refuse to attend or testify in any hearing under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering work, store, or other place enumerated in section 8 [sec. 3819] of this act, or agent of such person, who shall refuse to admit thereto any officer, agent, or employee of the department seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor. Any person, firm, or corporation, or any of its officers or agents, who or which shall refuse to file with the department such reports as are required by it under the provisions of this act shall be guilty of a misdemeanor.

SEC. 3828. *Division for deaf.*—There shall be created in the bureau of labor a division devoted to the deaf.

SEC. 3829. *Chief.*—The commissioner of labor shall appoint a competent man to take charge of such division who shall devote his time to the special work of labor for the deaf, under the supervision of the commissioner. He shall collect statistics of the deaf, ascertain what trades or occupations are most suitable for them, and best adapted to promote their interest, and shall use his best efforts to aid them in securing such employment as they may be fitted to engage in.

He shall keep a census of the deaf and obtain facts, information, and statistics as to their condition in life with a view to the betterment of their lot. He shall endeavor to obtain statistics and information of the conditions of labor and employment and education of the deaf in other States with a view to promoting the general welfare of the deaf of this State.

SEC. 3830. *Title.*—He shall be designated as chief of the bureau of labor for the deaf.

Hours of labor

SECTION 3831 (as amended 1917, ch. 248). *Ten-hour day.*—Unless a shorter time be agreed upon, or be provided by law, the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person to labor more than ten hours in any one day, shall be guilty of a misdemeanor; but persons of sixteen years of age and over, unless expressly forbidden by law, may labor extra hours for extra pay; and this section shall not apply to farm laborers, to domestic servants employed by the week or month, or to persons engaged in the care of live stock.

SEC. 3832 (as amended 1921, ch. 388). *Eight-hour day.*—No person employed in manual labor upon any work for the State, whether such work be done by contract or otherwise, shall be required or permitted to labor more

than eight hours in any calendar day except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, military or naval employment in time of war, and road work.

SEC. 3833. *Public contracts.*—Every contract made by or in behalf of the State which may involve the employment of labor shall provide in terms for compliance with section 3832, and for the forfeiture by the contractor to the State of ten dollars for each and every violation thereof. Every inspector or other person whose duty it is to see that such contract is duly performed shall report all such violations to the proper disbursing officer, who shall withhold the amounts so forfeited from the contract price. No sum so withheld shall ever be paid unless the disbursing officer shall first certify to the governor, in writing, that the forfeiture was imposed through an error as to the facts. Every State officer, and every person acting for or in behalf of the State, who shall violate any provision of this section or section 3832, shall be guilty of a gross misdemeanor.

Employment of children—General provisions

SECTION 3839. *Employment under 14 years.*—[Employment of children under 14 is forbidden in factories, mills, workshops, mines, or building or engineering work; or in any business during any part of the school term.]

SEC. 3840. *Employment under 16 years.*—[No employment to 16 during sessions of school is permitted unless an employment certificate is kept on file.]

SECS. 3841–3844. *Certificates.*—[Relate to issue, requirements, etc., of certificates; school records (completion of common school work), proof of age, and physician's certificate of health and fitness are required.]

SEC. 3845. *Work time.*—[No child under 16 may work more than 48 hours per week or 8 per day, nor between 7 p. m. and 7 a. m. Schedule of working hours and meal times must be posted.]

SEC. 3846. *Violations.*—[Penalties are provided of fines, $25 to $50 for each violation, and added sums for each day's continuance.]

SEC. 3847. *Enforcement.*—[Officials of the labor department and truant officers may inspect all work places and examine lists.]

SEC. 3848. *Dangerous, etc., occupations.*—[Employment under 16 in specified dangerous or harmful occupations, or any other employment daugerous to life, health, or morals is forbidden. For similar list see secs. 3145, 3148, Delaware Code. Females under 16 may not be employed to stand constantly.]

SEC. 3849. *Messenger service.*—[No boy under 18 may act as messenger or delivery boy between 9 p. m. and 5 a. m.; nor may a female under 21 be so employed at any time.]

SEC. 3850. *Penalty.*—[Failure to produce a physician's certificate on demand of enforcement officers is a misdemeanor.]

Factory regulations—Protection of employees on buildings

SECTION 3862. *Safeguards about machinery, etc.*—The intaking side of all engaging-toothed or other gears, rolls, drums and slides of every description ou any type of machine; the spaces between fixed and moving parts of or at any machine, or between the latter or any part of it and structures near it, leaving insufficient clearance for any person employed thereon or near it; all pulleys and clutches; all belts, cables, bands and driving ropes or chains; all fly wheels, shafting, spindles, levers, connecting rods and links, couplings, or projections thereon, or upon reciprocating or moving parts of machines; all counter weights and balance gears and their suspension; all dangerous parts of machinery; all systems of electrical wiring and transmissions, all dynamos and other electrical apparatus and appliances of every description; and all prime movers in any factory, school, mercantile establishment, mill, workshop, engineering operation, or other places where persons are employed, or otherwise engaged, shall be fenced, boxed or otherwise protected to the fullest degree practicable; *Provided, however*, That the above shall apply only to all machinery and apparatus above described when located less thau six (6) feet above the working floor. All machinery, apparatus, furniture, fixtures, ways, structures, and other equipment shall be so placed or guarded in relation to one another as to be safe for all persons thereabouts employed, and all points which are rendered unsafe by the relative positions of such things shall be securely guarded. Every dangerous place of every description in or near to which any employee is obliged to pass or to be employed, shall

be securely fenced, inclosed, or otherwise protected. No grindstone, tool, or appliance, or machine of any description shall be used when the same is known to be cracked or otherwise defective. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor or any factory inspector and a notice to that effect shall be attached thereto. Such unsafe or dangerous machinery shall not be used until made safe.

SEC. 3863. *Belt shifters.*—Every owner of a factory, mill or workshop where machinery is in use shall furnish or cause to be furnished, whenever practicable, belt shifters or other safe mechanical contrivance for the purpose of throwing belts on or off pulleys; and whenever practicable, machinery shall be provided with loose pulleys. Whenever in the opinion of the labor commissioner it becomes necessary, exhaust fans of sufficient power or other devices shall be provided for carrying off dust from emery wheels, grindstones and other dust creating machinery.

SEC. 3864 (as amended 1919, ch. 107). *Communication with power room.*—Where the machinery in any room is propelled by power transmitted directly from another room or from another building and the machinery in each workroom can not be disconnected and stopped in such workroom, communication shall be provided between each workroom in which machinery is placed and the room in which the engineer or other person having control of the power-generating apparatus is stationed by means of speaking tubes, electric bells, telephones, or appliances that may control the motive power.

SEC. 3865. *Distance of moving parts from floor.*—No part of the motors, gearing, belts, pulleys, shafts, or clutches or other apparatus conveying the power of a prime mover to machines shall be less than six feet from the floor unless it is securely guarded.

SEC. 3866. *Sale of unguarded machinery.*—Whenever practicable the points of danger in any machine or mechanism shall be securely guarded by the maker, and the manufacture or sale of any machine or mechanism not so guarded is hereby prohibited.

SEC. 3867. *Handrails, etc.*—All vats, pans or other receptacles containing molten metal or hot or corrosive liquids, or otherwise dangerous liquids, below the floor level; all pits or other openings in the floor or surface of the ground; all gangways and inclined footways, or other places from which a person might fall; shall be provided with adequate handrails and foot guards or other equally effective protection, and in establishments where women are employed or where it is deemed necessary by the labor commissioner, stairways shall be built solid and without openings between the treads.

SEC. 3868. *Lighting.*—All stairways and inclined footways, and all points where there is a break or change in the floor level or in the character of the floor surface, where persons may have to walk or pass, and all dangerous places, all prime movers and all moving parts of machinery where, on or about which persons work or pass, or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working hours.

SEC. 3869. *Removal of guards.*—No employees in any factory, mill, workshop, or upon any engineering work, nor any other person, by permission or otherwise, shall remove, displace or destroy any guard for dangerous machinery, or other safety device, which the employer shall have provided under the requirements of this chapter, or any other law, save under rules established by the employer therefor. Safety appliances removed for the purpose of making repairs, adjustments, or for other purposes permitted or required by the employer shall be immediately replaced when such purpose is accomplished.

SEC. 3870. *Dangerous occupations for children.*—[This section contains a list similar to that in sec. 3848, above. Women are forbidden to oil or clean moving machinery.]

SEC. 3872. *Overcrowding.*—The floor space in any factory, mill, workshop or mercantile establishment shall not be crowded with machinery in a manner dangerous to the employees, or in excess of the sustaining power of floors or walls, nor be overcrowded with materials or products so as to be a menace to employees or in excess of the sustaining power of the floor and walls.

SEC. 3873. *Hoistways, etc.*—Every hoisting apparatus used in the construction of any building; every hoistway, hatchway, elevator well, and wheel hole in any factory, mill, workshop, storehouse, wareroom, or store, shall be securely protected on each floor by a substantial barrier at least three feet and six inches high, which shall be kept closed except when necessarily opened

for use. Every elevator car used for either freight or passenger shall be provided with some suitable mechanical device by which it can be securely held in the event of accident to the rope or hoisting machinery.

SEC. 3874. *Scaffolds, etc.*—Whenever practicable, all scaffolds, hoists, cranes, stays, supports, or other mechanical contrivances, erected or constructed by any person, firm or corporation, in this State, for the use in erection, repairing, alteration, removal, cleaning or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated, as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon, and to any persons or employees passing under or in proximity to the same. Whenever a State factory inspector shall find that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device, used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges or viaducts within this State, or in factories, workshops, mills, or mercantile establishments, are unsafe or liable to prove dangerous to the life or limb of any person, he shall at once notify the person responsible for its creation or maintenance, either personally or by mail, and a notice of danger shall also be affixed to said scaffold, platform or other such device, which shall be made safe before further use. Wherever practicable, scaffolding, staging, runways, oiling platforms and all other overhead walks or standing places among or suspended from an overhead support, or rising from the ground [or] floor and more than five (5) feet from the ground or floor, shall have a safety rail properly bolted or otherwise fastened, secured and braced, rising at least thirty-four (34) inches above the floor of said scaffolding, staging, platform or other overhead walk or standing place, and extending along the entire length of the outside and ends thereof, and properly attached thereto, unless equal protection is afforded in another manner, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure to which it is attached or toward which an employee must work. Persons employed upon swinging scaffolds shall use a life line securely fastened to their persons and to some secure support other than said swinging scaffold.

SEC. 3875. *Floors, etc.*—All floors, standing places, stairways, inclined footways and ladders and all handrails or similar protection shall be of substantial construction and at all times shall be kept in good order and repair and so as to be firm and safe for the uses to which they are put.

SEC. 3876. *Planking.*—On all buildings three (3) stories or more in height where floor beams are of iron or steel, the contractor for the iron or steel work of such buildings in the course of construction, or the owners of such buildings, shall plank over the entire tier of iron or steel beams on the floor next below the one on which such structural iron or steel is being erected, except such space as may be reasonably required for the proper construction of such iron or steel work, and for the raising and lowering of materials to be used in the construction of such buildings, or such spaces as may be designated by the plans and specifications for stairways, elevator-shafts and other openings.

SEC. 3877. *Notices.*—The employer shall post such warning notices and instructions and cause dangerous places to be indicated in such manner as the labor commissioner shall require.

SEC. 3878. *Exits.*—Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire, by more than one way of egress, each of which shall be at all times free from obstruction and ready for immediate use, and every such egress shall be provided with a sign having on it the word "exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Every door leading in or to any such building shall be so constructed as to open outward, when possible, and shall not be so fastened during the working hours as to prevent free egress. Substantial handrails shall be provided on all stairways in every such building.

SEC. 3879 (as amended 1919, ch. 108). *Fire escapes.*—[Buildings more than two stories high, in which persons are employed, must be supplied with an additional escape for every 100 employees. Types and dimensions are given, and freedom from obstacles directed. Doors to fire escapes must be metal covered, and any glass therein must be wire glass, set in metal frames. Inside and outside standpipes are required, and chemical fire extinguishers; but if

an automatic sprinkler system is provided, other apparatus will be required only when deemed necessary by the commissioner of labor. Inflammable waste, etc., must be removed daily.]

SEC. 3880. *Notice to employers.*—Every order, suggestion, or notice served upon any employer of labor, owner or manager of any building, or other person, shall be certified by a receipt for the same taken by the officer or employee of the labor department serving such order, suggestion, or notice, which receipt shall be signed by the owner, manager or superintendent of said employer. No liability to any person other than an employee shall attach to any owner of any factory, mill, workshop, engineering works, or mercantile establishment, because of the provisions of this act, until notice to comply with the terms of this act has been served upon such owner by an officer or employee of the labor department of this State, and reasonable time to comply with such notice has elapsed.

SEC. 3881. *Violation, interference, etc.*—Every person who violates or fails to comply with any requirement of this chapter, or disregards any order, notice, or direction of any member or employee of the labor department made in accordance with its provisions, or who obstructs or interferes with any inspection being made pursuant thereto, or who removes from any machine any notice stating that such machine is dangerous and unsafe, or who operates any such machine while such notice is attached and such machine is still unguarded and unsafe, shall be guilty of a misdemeanor, the minimum penalty whereof shall be a fine of twenty-five dollars, or imprisonment for fifteen days. But whenever notice is required before prosecution, no criminal proceedings shall be commenced until thirty days after such notice, nor then, if within such time the requirements of the notice have been met: *Provided*, That if such requirement be to put a water-closet or privy in sanitary condition, where the only defect is due to carelessness in its management, or to put an elevator in safe condition, only forty-eight hours shall be allowed. In case of application to the court to restrain, the time aforesaid shall not begin to run until the decision thereon.

SEC. 3882. *Definitions.*—The term "prime mover" as used in this act shall include all steam, gas, oil, or other kinds of engines, and also all electrical apparatus which generates, converts, or transmits power.

The words "guards," "guarded," "safeguard," "safeguarded," and "protection," shall be given a broad interpretation, so as to include any practicable method of mitigating or preventing a specific danger.

Guards on corn shredders

SECTION 3884. *Guards to be provided.*—No person, firm or corporation shall sell, offer or expose for sale any machine to be operated by steam or other power, for the purpose of husking or shredding corn, or corn stalks unless the said machine shall be provided with reasonable safety devices approved by the commissioner of labor for the protection from accidents from the snapping rollers and husking rollers, and shall be so guarded that the person feeding said machine shall be compelled to stand at a reasonable safe distance from the snapping rollers.

SEC. 3885. *Prior purchases.*—No person, firm or corporation shall use, operate or permit to be used or operated any such machine purchased prior to the passage and publication of this act, unless during all the time such machine shall be used and operated, it shall be in charge of a competent person, whose sole duty shall be to oversee and attend to the operating and use of the same.

Use of basements, etc., as work rooms

SECTION 3888. *Basements, etc., not to be used, when.*—No basement, cellar, underground apartments, or other place which the commissioner of labor shall condemn as unhealthy and unsuitable shall be used as a workshop, factory or place of business in which any person or persons shall be employed.

SEC. 3889. *Violations.*—[Violations entail penalties of fine, $25 to $100, or imprisonment 30 to 90 days, or both, for each offense.]

Reports of accidents and industrial poisoning

SECTION 3892 (as amended 1919, ch. 359). *Accident reports.*—It is hereby made the duty of every employer of labor, engaged in industrial pursuits, to make or cause to be made, report of any accident to an employee, which occurs

in the course of his or her employment and which causes death or serious injury, within forty-eight hours of the occurrence of such injury and of all other accidents, which occur to any of its, his or their employees within the scope of their employment, and of which the employer or his foreman has knowledge, within fourteen days after the occurrence of such accident: *Provided*, That such injuries are sufficient to wholly or partially incapacitate the person injured from labor or service for more than the remainder of the day, shift or turn on which the injury was incurred, which report shall be made in writing to the commissioner of labor of the State, giving:

(a) Name, age, sex and occupation of injured person.

(b) Date on which accident occurred and hour of day.

(c) Whether person injured could speak English.

(d) Occupation of employer.

(e) The cause of injury.

(f) The nature and extent of the injury and the probable length of disability.

(g) The name and address of the attending surgeon.

(h) Wages injured person was earning.

(i) Length of time in service of employer and length of time at employment at which injured.

(j) Dependents or nearest relative, in fatal cases, if known.

Provided, That accidents required to be reported within forty-eight hours may be reported by telegram, telephone or personal notice. The written report of such accident shall then be made within fourteen days or at such time as the commissioner of labor shall designate. The commissioner of labor may require such supplementary reports on any accident as he deems necessary for the securing of the information required by this law.

Provided, further, That when an accident has been reported which subsequently terminates fatally, a supplementary report shall be filed with the commissioner of labor by the employer within forty-eight hours after he receives knowledge of such death, stating that the injury has proved fatal.

SEC. 3893 (as amended 1919, ch. 359). *Permanent record.*—Copies of all settlements made or releases obtained in respect to industrial accidents occurring in the State of Minnesota shall be filed with the labor commissioner within ten days after such settlements are made and shall become part of the permanent records of the department.

SEC. 3894 (as amended 1919, ch. 359). *Filing of records.*—The failure to make such reports or file such copies of settlements or releases, on the part of any person, copartnership or corporation required hereby to make or file the same, within the time herein specified, is hereby declared to be a misdemeanor.

SEC. 3895. *Reports as evidence.*—No report herein required to be made nor any part thereof, shall be admitted in evidence or referred to at the trial of any action, or in any judicial proceedings whatsoever, except prosecutions for the violation of this act. No such report nor any part thereof, nor any copy of the same, nor any part thereof, shall be open to the public, nor shall any of the contents thereof be disclosed in any manner, by any official or clerk or other employee of the State having access thereto, but the same may be used or State investigations and statistics only. Any such disclosure is hereby declared to be a misdemeanor and punishable as such.

SECS. 3896–3898. *Insurance reports.*—[Insurance companies must furnish to the compensation commissioner details of accidents to employees of employers insured by them.]

SEC. 3899. *Physician to report.*—Every physician attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from anthrax, or from compressed air illness, contracted as a result of the nature of the patient's employment shall send to the commissioner of labor a notice stating the name and full postal address and place of employment of the patient and the disease from which in the opinion of the physician, the patient is suffering, with such other specific information as may be required by the commissioner of labor and which may be ascertained by the physician in the course of his duties.

SEC. 3900. *Violations.*—[Failure to comply with the above section entails a fine of $10, or imprisonment not exceeding 10 days.]

SEC. 3901. *Enforcement.*—It shall be the duty of the commissioner of labor to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Blacklisting

SECTION 3902. *Interference.*—No individual, corporation, member of any firm, or any agent, officer, or employee of any of them, shall contrive or conspire to prevent any person from obtaining or holding any employment, or discharge, or procure or attempt to procure the discharge of, any person from employment, by reason of his having engaged in a strike.

SEC. 3903. *Participation in strikes.*—No person, whether acting directly or through an agent, or as the agent or employee of another, shall require, as a condition precedent to employment, any written statement as to the participation of the applicant in a strike, or as to his personal record, save as to his conviction of a public offense, for more than one year immediately preceding the date of his application therefor; nor shall any person, acting in any of the aforesaid capacities, use or require blanks or forms of application for employment in contravention of this section.

Employment of women and children—Minimum wage

[The commission created to administer this law was abolished by ch. 84, Acts of 1921, and its powers and duties conferred upon the industrial commission of the State. The law is otherwise the same.]

SECTION 3905. *Investigation.*—The commission may at its discretion investigate the wages paid to women and minors in any occupation in the State. At the request of not less than one hundred persons engaged in any occupation in which women and minors are employed, the commission shall forthwith make such investigation as herein provided.

SEC. 3906. *Register of women and children employed.*—Every employer of women and minors shall keep a register of the names and addresses of and wages paid to all women and minors employed by him, together with number of hours that they are employed per day or per week; and every such employer shall on request permit the commission or any of its members or agents to inspect such register.

SEC. 3907. *Hearings.*—The commission shall specify times to hold public hearings at which employers, employees, or other interested persons may appear and give testimony as to wages, profits and other pertinent conditions of the occupation or industry. The commission or any member thereof shall have power to subpœna witnesses, to administer oaths, and to compel the production of books, papers, and other evidence. Witnesses subpœnaed by the commission may be allowed such compensation for travel and attendance as the commission may deem reasonable, to an amount not exceeding the usual mileage and per diem allowed by our courts in civil cases.

SEC. 3908. *Fixing minimum wage.*—If after investigation of any occupation the commission is of the opinion that the wages paid to one-sixth or more of the women or minors employed therein are less than living wages, the commission shall forthwith proceed to establish legal minimum rates of wages for said occupation, as hereinafter described and provided.

SEC. 3909 (as amended 1923, ch. 153). *Minimum wage powers.*—The Industrial Commission of Minnesota shall determine the minimum wages sufficient for living wages for women and minors of ordinary ability and also the minimum wages sufficient for living wages for learners and apprentices. The commission shall then issue an order to be effective thirty days thereafter, making the wages thus determined the minimum wages in said occupation throughout the State, or within any area of the State if differences in the cost of living warrant this restriction.

Such order shall be published in one issue of a daily newspaper of general circulation published in each city of the first-class, at least 20 days before the ame takes affect [effect], and proof of such publication as required in the publication of legal notices, together with the original order shall be filed with the commission. A copy of such order and of the proofs of publication, duly certified by the secretary of said commission, shall be prima facie evidence of the existence of such order and the contents thereof, and of the facts of publication as contained in such certified copies, and the certificate of the secretary of said commission shall be prima facie evidence of the filing and of other acts required by law in relation to said order.

The commission shall mail to each employer affected by said order, whose name and address is known to the commission, a copy or copies of said order with such general or particular directions for posting the same as the com-

mission may determine, and such employer shall post such order or orders and keep the same posted in his factory or place where women or minors are employed, as required by said commission: *Provided, however*, That failure to mail such orders to any employer affected thereby shall not relieve such employer from the duty to comply with such order in relation to the payment of a wage not less than the minimum prescribed in such order.

SEC. 3910. *Advisory boards.*—The commission may at its discretion establish in any occupation an advisory board which shall serve without pay, consisting of not less than three nor more than ten persons representing employers, and an equal number of persons representing the workers in said occupation, and of one or more disinterested persons appointed by the commission to represent the public; but the number of representatives of the public shall not exceed the number of representatives of either of the other parties. At least one-fifth of the membership of any advisory board shall be composed of women, and at least one of the representatives of the public shall be a woman. The commission shall make rules and regulations governing the selection of members and the modes of procedure of the advisory boards, and shall exercise exclusive jurisdiction over all questions arising with reference to the validity of the procedure and determination of said boards: *Provided*, That the selection of members representing employers and employees shall be, so far as practicable, through election by employers and employees, respectively.

SEC. 3911. *Duties of boards.*—Each advisory board shall have the same power as the commission to subpœna witnesses, administer oaths, and compel the production of books, papers, and other evidence. Witnesses subpœnaed by an advisory board shall be allowed the same compensation as when subpœnaed by the commission. Each advisory board shall recommend to the commission an estimate of the minimum wages, whether by time rate or by price [piece] rate, sufficient for living wages for women and minors of ordinary ability, and an estimate of the minimum wages sufficient for living wages for learners and apprentices. A majority of the entire membership of an advisory board shall be necessary and sufficient to recommend wage estimates to the commission.

SEC. 3912. *Approval of estimates by commission.*—Upon receipt of such estimates of wages from an advisory board, the commission shall review the same, and if it approves them shall make them the minimum wages in said occupation, as provided in section 3909. Such wages shall be regarded as determined by the commission itself and the order of the commission putting them into effect shall have the same force and authority as though the wages were determined without the assistance of an advisory board.

SEC. 3913. *Review of rates.*—All rates of wages ordered by the commission shall remain in force until new rates are determined and established by the commission. At the request of approximately one-fourth of the employers or employees in an occupation, the commission must reconsider the rates already established therein and may, if it sees fit, order new rates of minimum wages for said occupation. The commission may likewise reconsider old rates and order new minimum rates on its own initiative.

SEC. 3914. *Special licenses.*—For any occupation in which a minimum time rate of wages only has been ordered the commission may issue to a woman physically defective a special license authorizing her employment at a wage less than the general minimum ordered in said occupation; and the commission may fix a special wage for such person: *Provided*, That the number of such persons shall not exceed one-tenth of the whole number of workers in any establishment.

SEC. 3915. *Employment at less than minimum forbidden.*—Every employer in any occupation is hereby prohibited from employing any worker at less than the living wage or minimum wage as defined in this act and determined in an order of the commission; and it shall be unlawful for any employer to employ any worker at less than said living or minimum wage.

SEC. 3916. *Discrimination.*—It shall likewise be unlawful for any employer to discharge or in any manner discriminate against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee is about to testify, in any investigation or proceeding relative to the enforcement of this act.

SEC. 3917. *Actions.*—Any worker who receives less than the minimum wage ordered by the commission shall be entitled to recover in civil action the full amount due as measured by said order of the commission, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for a lesser wage.

SEC. 3918. *Enforcement.*—The commission shall enforce the provisions of this act, and determine all questions arising thereunder, except as otherwise herein provided.

SEC. 3919. *Reports.*—The commission shall biennially make a report of its work to the governor and the State legislature, and such reports shall be printed and distributed as in the case of other executive documents.

SEC. 3920. *Compensation.*—The members of the commission shall be reimbursed for traveling and other necessary expenses incurred in the performance of their duties on the commission. The woman member shall receive a salary of eighteen hundred dollars annually for her work as secretary. All claims of the commission for expenses necessarily incurred in the administration of this act, but not exceeding the annual appropriation hereinafter provided, shall be presented to the State auditor for payment by warrant upon the State treasurer.

SEC. 3921. *Appropriation.*—There is appropriated out of any money in the State treasury not otherwise appropriated for the fiscal year ending July 31st, 1914, the sum of five thousand dollars ($5,000.00), and for the fiscal year ending July 31st, 1915, the sum of five thousand dollars ($5,000.00).

SEC. 3922. *Violations.*—[Penalties for violations are fines, $10 to $50, or imprisonment 10 to 60 days.]

SEC. 3923. *Definitions.*—Throughout this act the following words and phrases as used herein shall be considered to have the following meanings respectively, unless the context clearly indicates a different meaning in the connection used:

(1) The terms "living wage" or "living wages" shall mean wages sufficient to maintain the worker in health and supply him with the necessary comforts and conditions of reasonable life; and where the words "minimum wage" or "minimum wages" are used in this act, the same shall be deemed to have the same meaning as "living wage" or "living wages."

(2) The term "rate" or "rates" shall mean rate or rates of wages.

(3) The term "commission" shall mean the minimum wage commission.

(4) The term "woman" shall mean a person of the female sex eighteen years of age or over.

(5) The term "minor" shall mean a male person under the age of twenty-one years, or a female person under the age of eighteen years.

(6) The terms "learner" and "apprentice" may mean either a woman or a minor.

(7) The terms "worker" or "employee" may mean a woman, a minor, a learner, or an apprentice, who is employed for wages.

(8) The term "occupation" shall mean any business, industry, trade, or branch of a trade in which woman [women] or minors are employed.

NOTE.—This act is a reasonable exercise of the police power of the State in behalf of the public welfare; without deciding that such a law applied to men would be valid, the principles involved as applied to the employment of women and minors are upheld; nor is there an unlawful delegation of authority to the administrative commission. Williams *v.* Evans, 165 N. W. 495.

Mine regulations—Inspection

SECTION 3924. *Inspectors.*—[The commissioners of any county in which there are five or more mines may appoint an inspector.]

SEC. 3925 (as amended 1921, ch. 7). *Qualifications.*—[Such inspectors must have experience and give bond for the faithful discharge of their duties. Minimum salary $3,600 and $900 expenses.]

SECS. 3926–3928. *Duties and powers.*—[Inspectors may require the alteration of defective conditions and require employees to leave dangerous places until made safe except for ordinary risks. Employers must permit inspection.]

SEC. 3930. *Inspection on demand.*—[If 20 or more employees notify the inspector that his services are needed he must immediately act to secure conditions to safety.]

SEC. 3931. *Accidents.*—[Accidents involving loss of life or serious personal injury must be reported to the inspector who may investigate and order necessary changes to prevent recurrence.]

SEC. 3932. *Timber.*—[Prescribes duty of owner to furnish props, etc.]

SEC. 3933. *Removing guards, etc.*—[Removal of guards, fences, etc., whereby accident or damage results is a misdemeanor.]

SEC. 3934 (as amended 1923, chs. 41, 62). *Reports.*—[Annual reports must be made to the State commissioner of labor of operations, output, accidents, number of employees, wages, etc.]

Private employment offices

SECTION 3937. *License.*—[No office may be operated without a license from the local authorities. Fee for a general license is $150, for male employees only, $100, and for females only $75. Bond in the amount of $2,000 for the first and second classes, and of $1,000 for third is required.]

SEC. 3938. *Records.*—[Records must be kept of all placements made, showing names, date, nature of work, wages, etc. No fee may be charged unless a bona fide order from an employer is on record. Records must be open to inspection.]

Accidents on railroads

SECTIONS 4233–4235. *Report of accidents.*—[Railroad companies must report to the railroad and warehouse commission all accidents occurring in the State. These may be investigated and remedial changes ordered.]

Railroads—Safety provisions

SECTION 4273 (as amended 1915, ch. 171). *Structures near tracks.*—[No structure shall be within eight feet from the center line of any railroad track, and no wires, bridges, etc., shall be maintained at a less height than twenty-one feet measured from the top of the track rail. Not to apply to yards and terminals, except in cases of injury or death of employee injured or killed because of such structures.]

SEC. 4274 (as amended 1915, ch. 171). *Special cases.*—The railroad and warehouse commission may upon application made, after a thorough investigation in any particular case or class of cases, permit any common carrier to which this act applies to erect any overhead or side obstruction at a less distance from the track than herein provided for, when in the judgment of said commission a compliance within the clearness prescribed herein would be unreasonable or unnecessary.

SEC. 4275. *Distance between tracks.*—On and after the passage of this act it shall be unlawful for any such common carrier to construct any track used for the purpose of moving any cars engaged in the movement of traffic within the regulative power of this State, where the center line of such track is at a distance of less than fourteen feet from the center line of any other parallel track which it adjoins.

SEC. 4276. *Switching tracks.*—Section four [4275] of this act shall not be construed as applying to tracks to be used wholly for the purpose of switching or storing cars, but the tracks which are to be used for such purpose shall not be constructed in closer proximity to each other than thirteen (13) feet measured from the center line of any such track to the center line of any parallel track which it adjoins: *Provided*, That the distance between said tracks specified in sections four and five [4275, 4276] of this act may be diminished or closed up a necessary distance for track intersections, turnouts and switch points.

SEC. 4277. *Obstructions between tracks.*—On and after the passage of this act it shall be unlawful for any such common carrier to permit the space between such of its tracks as are ordinarily used by yardmen and other employees in the discharge of their duties, to become or remain obstructed by any foreign obstacle that will interfere with the work of said employees or subject said employees to unnecessary hazard. Such space between or beside said tracks as aforesaid, and between the rails of said tracks must be kept in such condition as to permit said employees to pass over or between said tracks or to use the same by day or night and under all weather conditions without unnecessary hazard, * * * .

SEC. 4278. *Violations.*—[Violations of this act are punishable by fine of $500 for each and any such violation, each day constituting a separate offense.]

SEC. 4279. *Duty of inspectors.*—It shall be the duty of the railroad inspectors of the bureau of labor, industries and commerce, to report to the railroad and warehouse commission and to the attorney general any violation of the provisions of this act of which they may obtain knowledge.

SEC. 4280. *Assumption of risk, etc.*—Any employee of said common carrier who, while in the performance of his duty and while engaged in any commerce mentioned subject to the regulative power of this act in section one [4272] may be injured or killed by reason of a violation of section six [4277] of this

act, or by reason of any structure or obstruction erected or maintained prior to the passage of this act, or in violation of the provisions of this act, in closer proximity to the rails than hereinbefore provided, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence although the employee continued in the employ of such common carrier after the use of such permanent overhead or side structure or obstruction of any kind or character mentioned in this act shall have been brought to his knowledge; and an exercise of the permission provided for in section 3 [4274] of this act shall be at the sole risk of the carrier.

Liability of railroad companies for injuries to employees

SECTION 4427. *Acts of fellow servants.*—Every company owning or operating, as a common carrier or otherwise, a railroad, shall be liable for all damages sustained within this State by any agent or servant thereof, without contributory negligence on his part, by reason of the negligence of any other servant thereof, and no contract, nor any rule or regulation of such company, shall impair or limit such liability. But this section shall not be so contrued as to render any railroad company liable for damages sustained by any such agent or servant while engaged in the construction of a new road, or any part thereof, not open to public travel or use.

This statute applies only to those employees of a railroad who are exposed to the peculiar hazards connected with the use and operation of the road. 43 Minn. 222.

Was held to include a workman on a warehouse, injured by the negligence of one moving a train. 98 N. W. Rep. 241.

A section hand operating a hand car is within the protection of this section. 45 Minn. 355.

So is one injured by the negligent dropping of a rail which he and another were carrying. 67 N. W. Rep. 804.

A car cleaner, injured by the negligence of a switching crew, can recover. 70 Fed. Rep. 15.

This section does not change the rule as to the burden of proof of contributory negligence, but leaves it on the defendant. 48 Minn. 391.

The negligence of a fellow servant constitutes no defense in an action by an employee to recover damages. 12 U. S. App. 662.

A temporary track on which cars are run for the purpose of filling in low land is not a new road within the proviso of the above section. 42 Minn. 68.

The provisions of this section do not extend to a private road constructed and used solely for the owner's business as a logging road. 113 Fed. Rep. 382.

The supreme court of the State, in a decision of practically the same date with the above, held that the statute does apply to private logging roads. 89 N. W. Rep. 68.

It applies to a mining road using a small locomotive and dump cars. 100 N. W. Rep. 681.

This section does not apply to street railways. 63 N. W. Rep. 1099.

Nor does it cover the operations of a steam shovel in a gravel pit, on a detached track. 104 N. W. Rep. 1079.

A receiver of a railroad is bound by its provisions. 65 N. W. Rep. 260.

Labor camps—Sanitation, etc.

SECTION 4640 (as amended 1923, ch. 227). *Industrial camps.*—[The State board of health is given the power to regulate, among other things, "the construction, equipment and maintenance in respect to sanitary conditions of lumber camps and other industrial camps."]

Payment of wages—Extension of time

SECTION 7005. *Agreements to be in writing.*—Every agreement extending the time of payment for manual labor, performed or to be performed in cutting, hauling, banking, or driving logs, beyond the time of the completion of such labor, shall be void, unless such agreement, expressing the consideration, be in writing subscribed by the party to be charged therewith, and unless, at the time of making such agreement or completing such labor, the person for whom it is to be or has been performed deliver to such laborer his negotiable promissory note for payment of the agreed compensation, with interest. Every lien allowed by law on account of such labor shall pass by the transfer of such note, and be enforceable by the holder thereof.

Wages as preferred claims—In attachments, etc.

SECTION 7077. *Wages preferred.*—[Earnings for six months, not exceeding $200, prior to an attachment, shall be a lien on all the property of the employer, preferred to all other liens or claims attaching after the beginning of the labor, and is not affected by waiver.]

SEC. 7079. *Same.*—[A similar lien exists "as against all other creditors," in case of the death, dissolution or insolvency of an employer.]

Place of suits for wages

SECTION 7720. *Suit to be brought in place of work.*—An action for the recovery of wages or money due for manual labor may be brought in the county in which such labor was performed; and when so brought the venue of such action shall not be changed to another county without the written consent of the plaintiff filed with the court.

Liability of employers for injuries to employees

SECTION 7809. *Negligent employee may be named.*—In actions for damages resulting from the negligence of a fellow servant or coemployee of the person injured, if either party shall so request before the case is submitted to the jury, the court shall direct the jury, if they find for the plaintiff, to name or otherwise designate, in their verdict such fellow servant or coemployee. If the name be not disclosed by the evidence, he shall be described by the designation of his employment or by such other identification as the case will permit: *Provided*, That this section shall not apply to cases where the name or description is not so disclosed.

Exemption of wages from execution

SECTION 7951 (as amended 1915, ch. 202). *Amount.*—[Wages not exceeding $35 earned within 30 days prior to an attachment, etc., are exempt. The earnings of the debtor's minor child can not be levied on unless the debt was incurred for such child's special benefit.]

Suits for wages—Costs

SECTION 7975. *Costs allowed, when.*—Whenever any person having employed another to perform any labor or service, shall neglect or refuse for thirty days after the same is due and payment demanded to pay the agreed price, or the reasonable value if there be no agreement, and the same shall be recovered by action, there shall be allowed to the plaintiff, and included in his judgment, in addition to his disbursments allowed by law, five dollars costs if the judgment be recovered in a justice court and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action, and double costs in all other actions wherein costs are recoverable or on appeal.

Wages as preferred claims—In assignments

SECTION 8333. *Rank.*—[Wages of servants, laborers, mechanics and clerks for 3 months preceding any assignment rank next after the costs of the assignment and debts, taxes and assessments owing to the United States or the State.]

Interference with employment—Conspiracy

SECTION 8595. *Conspiracy.*—Whenever two or more persons shall conspire—

* * * * * * *

5. To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof;

6. Or to commit any act injurious to the public health, public morals, trade, or commerce, or for the perversion or obstruction of public justice or the due administration of the laws—

Every such person shall be guilty of a misdemeanor.

SEC. 8596. *What punishable.*—No conspiracy, except one of those enumerated in section 8595, shall be punished criminally. * * * The orderly and peaceable assembling or cooperation of persons employed in any calling, trade, or handicraft, for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not conspiracy.

Employment of children in certain occupations forbidden

SECTION 8682. *Acrobatic, etc., occupations.*—[Forbids the employment of children in acrobatic, mendicant, etc., occupations. For the text of a similar law see sec. 2223, Delaware Code.]

Labor organizations—Forgery of certificates, etc.

SECTION 8839. *Forgery.*—Every person who—

* * * * * * *

4. With intent to defraud, shall forge, alter, or counterfeit any certificate, card, seal, or receipt for dues, purporting to have been given or issued by any association of railway employees, or any labor organization, trade union, or association of mechanics or laboring men, or any officer or agent thereof, to its members;

5. With intent to defraud, shall forge, alter, or counterfeit any letter or certificate purporting to have been given by any corporation or person, or officer or agent thereof, showing the capacity in which he had been employed by such corporation or person, or the date and cause of his leaving such service;

6. With intent to defraud, shall utter or publish as true any false, altered, forged, or counterfeit letter, certificate, card, seal, or receipt, the forging, altering, or counterfeiting of which is herein prohibited—

Shall be guilty of forgery in the third degree.

Extortion—Withholding wages

SECTION 8889. *Extortion.*—* * * Every person indebted to another for labor, or any agent of any person, copartnership, or corporation so indebted, who, with intent to secure a discount upon such indebtedness, shall wilfully refuse to pay the same, or falsely deny the amount or validity thereof, or that the same is due; * * * shall be guilty of extortion, and punished by imprisonment in the State prison for not more than five years.

Employment—Wage payments—Interference—Blacklisting

SECTION 8890 (as amended 1921, ch. 389). *Restraining from membership.*—It shall be unlawful for any person, company, or corporation, or any agent, officer, or employee thereof, to coerce, require, or influence any person to enter into any agreement, written or verbal, not to join, become, or remain a member of any lawful labor organization or association, as a condition of securing or retaining employment with such person, firm, or corporation.

It shall be unlawful for any person, company, or corporation, or any officer or employee thereof, to coerce, require, or influence any person to contribute or pay to any person, company, or corporation, or any officer or employee thereof, any sum of money or other valuable thing for the sole purpose of securing or retaining employment with such person, firm, or corporation.

It shall be unlawful for any two or more corporations or employers to combine, agree to combine, or confer together for the purpose of interfering with any person in procuring, or in preventing him from procuring, employment, or to secure the discharge of any employee by threats, promises, circulating black lists, or any other means whatsoever. It shall be unlawful for any company or corporation, or any agent or employee thereof, to blacklist any discharged employee, or by word or writing seek to prevent, hinder, or restrain a discharged employee, or one who has voluntarily left its employ, from obtaining employment elsewhere.

Every person and corporation violating any of the foregoing provisions shall be guilty of a misdemeanor.

NOTE.—The provision undertaking to restrict the action of employers as to membership in labor organizations was declared unconstitutional in 1912, following the decision of the Supreme Court on a similar law. State *v.* Daniels, 118 Minn. 155, 136 N. W. 584. The provision making it unlawful for two or more employers to combine or confer to prevent employment is not unconstitutional, and if one so confers and prevents, without excuse or justification, the employment of a workman, he is liable to such workman for damages. State *v.* Justus, 85 Minn. 279, 88 N. W. 759; Joyce *v.* Great Northern R. Co., 100 Minn. 225, 110 N. W. 975.

SEC. 8904 (as amended 1923, ch. 272). *False representations.*—It shall be unlawful for any person, partnership, company, corporation, association, or organization of any kind, doing business in this State, directly or through any

agent or attorney, to induce, influence, persuade, or engage any person to change from one place to another in this State, or to change from any place in any State, Territory or county to any place in this State, to work in any branch of labor through or by means of knowingly false representations, whether spoken, written, or advertised in printed form, concerning the kind or character of such work, the compensation therefor, the sanitary conditions relating to or surrounding it, or failure to state in any advertisement, proposal or contract for the employment that there is a strike or lockout at the place of the proposed employment, when in fact such a strike or lockout then actually exists in such employment at such place. Any such unlawful acts shall be deemed a false advertisement or misrepresentation for the purposes of this act.

Sec. 8905 (as amended 1923, ch. 272). *Violations; damages.*—Any person, firm, association, or corporation violating any provision of this act shall be guilty of a misdemeanor. Any person who shall be influenced[,] induced, or persuaded to enter or change his employment or change his place of employment through or by means of any of the things prohibited in section "1" [8904] hereof, shall have a right of action for the recovery of all damages that he shall have sustained in consequence of the false or deceptive representations, false advertising or false pretenses used to induce him to enter into or change his place of employment against any person, firm[,] association, or corporation directly or indirectly causing such damage; and in addition to all such actual damages such person may have sustained, shall have the right to recover such reasonable attorneys' fees as the court shall fix to be taxed as costs in any judgment recovered.

Smoking in factories

Section 8948. *Smoking prohibited, when.*—Every person who shall light a pipe or cigar in, or shall enter with a lighted pipe or cigar, any mill or other building on which is posted in a conspicuous place, over or near each principal entrance, a notice, in plain, legible characters, stating that no smoking is allowed in such building, and every person who shall deface, destroy, or remove any such notice, shall be guilty of a misdemeanor, and punished for each such offense by a fine of ten dollars.

Protection of employees as voters

Section 9005. *Rights of employees.*—Every person who, on his own account, or as a member of a copartnership, or as an officer or member of a corporation, foreign or domestic, shall require or demand of any employee, under any conditions whatsoever, the surrender, in writing or by parol, of any natural right or any right or privilege of citizenship, shall be guilty of a gross misdemeanor. Violations of this section may be prosecuted by the county attorney of any county, or the prosecuting officer of any municipality.

Protection of employees on street railways

Section 9019. *Vestibules required.*—It shall be unlawful to operate any street car by electricity, steam, or cable, upon or over any street railway, unless the same is so constructed as to protect the motorman or gripman from the inclemency of the weather. Every person or corporation owning or operating any street railway who shall violate the provisions of this section shall be guilty of a gross misdemeanor, and punished by a fine of not less than fifty dollars for each day of such violation.

Contracts of employment—Repayment of advances

Section 9021. *Fraud.*—Every employee who, with intent to defraud, having received transportation from his employer from any point in this State to or in the direction of a place where he has agreed with such employer to perform labor or render services, or who, with intent to defraud, having received the benefit of other pecuniary advancement from the employer under his agreement to perform labor or render services in repayment of the cost of such transportation or amount of such advancement, refuses or neglects to perform such labor or render such services to the full value of the transportation furnished or advancement made, or to repay to such employer such transportation or advancement in money, shall be guilty of a misdemeanor, and punished by a fine of not more than twenty-five dollars or by imprisonment for not

more than sixty nor less than ten days. The failure or refusal of any such employee to perform such labor or render such services in accordance with his contract, or pay in money the amount paid for such transportation or such advancement, shall be prima facie evidence of his intent to defraud, and the value of such labor or services shall be determined by the price so agreed to be paid such employee therefor.

ACTS OF 1915

CHAPTER 29 (as amended by chapter 37, Acts of 1915).—*Payment of wages—Semimonthly pay day*

SECTION 1. *To whom law applies.*—All public service corporations doing business within this State are required to pay their employees at least semimonthly, the wages earned by them to within fifteen (15) days of the date of such payment, unless prevented by inevitable casualty:

Provided, however, That whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter.

SEC. 2. *Neglecting to pay.*—Whenever any public service corporation shall for five days neglect or refuse to pay its employees as prescribed by section 1 of this act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff, and included in his judgment, in addition to his disbursements allowed by law, five dollars costs if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court, where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts or on appeal.

CHAPTER 105.—*Payment of wages—Nonpayment by contractors*

SECTION 1. *Misuse of funds.*—Any contractor or subcontractor on any improvement to real estate within the meaning of section 7020, General Statutes 1913, who, with intent to defraud, shall use the proceeds of any payment made to him on account of such improvement by the owner of such real estate or person having any improvement made, for any other purpose than the payment for labor, skill, material and machinery contributed to such improvement, while any such labor performed, or skill, material or machinery furnished for such improvement at the time of such payment remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

NOTE.—This statute is not class legislation, nor does it subject offenders to imprisonment for debt. State *v.* Harris, 158 N. W. 829.

CHAPTER 187.—*Employers' liability—Railroad companies*

SECTION 1 (as amended 1923, ch. 333). *Liability declared.*—Every company, person or corporation owning or operating, as a common carrier or otherwise, a steam railroad or railway in the State of Minnesota, shall be liable in damages to any employee suffering injury while engaged in such employment; or, in case of death of such employee, to his or her personal representative for the benefit of the surviving widow or husband and children of such employee; and if none, then to such employee's parents; and if none, then the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such employer, or by reason of any defect or insufficiency due to the employer's negligence.

The damages recoverable in case of death to be distributed to the parties in interest in the same proportion as personal property of persons dying intestate.

SEC. 2 (as amended 1923, ch. 333). *Who may sue.*—Every company, person or corporation owning or operating, as a common carrier or otherwise, a steam railroad or railway in the State of Minnesota, shall be liable in damages to any person suffering injury while he is engaged in the line of his employment, or in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, for such injury or death re-

sulting in whole or in part from the negligence of any of the officers, agents or employees of such employer, or by reason of any defect or insufficiency in such employer's appliances, machinery or apparatus furnished.

Sec. 3. *Contributory negligence to be measured.*—In all actions hereafter brought against any such employer under or by virtue of any of the provisions of this act, to recover damages for personal injury to the employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such employer of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Sec. 4. *Assumed risks.*—In any action brought against any employer under or by virtue of any of the provisions of this act to recover for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by the employer of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Sec. 5. *Contracting out.*—Any contract, rule, regulation, or device whatsoever the purpose or intent of which shall be to enable any employer to exempt such employer from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such employer under or by virtue of any of the provisions of this act, such employer may set off therein any sum he has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee, or the persons entitled thereto on account of the injury or death for which said action was brought.

Sec. 7 (as amended 1923, ch. 333). *Survival of action.*—Any right of action given by this act to a person suffering injury shall survive to his or her personal representative for the benefit of the surviving widow or husband and children of any such employee; and if none, then of such employee's parents; and if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

Sec. 8. *Limitation.*—No action shall be maintained under this act unless commenced within two years from the day the cause of action accrues.

Chapter 211.—*Preference of domestic products for use on public buildings*

Section 1. *Preference.*—In any and all buildings hereafter erected by the State of Minnesota, or to the erection of which the State of Minnesota has granted aid, preference shall always be given in the erection thereof to materials produced or manufactured in the State of Minnesota by citizens or residents thereof wherever practicable: *Provided*, That in the building and erecting of foundations, steps, approaches, and the outer walls of any and all such buildings, materials produced and manufactured in the State of Minnesota by citizens and residents thereof only shall be used: *Provided*, That the provisions of this act shall not apply to metal lath or Portland cement necessarily used in any such foundations, steps, approaches, or outer walls.

Sec. 2. *Exception.*—[Exempts existing contracts and additions to buildings and groups of buildings.]

Sec. 3. *Proviso.*—[Law not to apply if State producers, etc., combine to fix prices.]

ACTS OF 1917

Chapter 113.—*Free public employment offices—Cooperative maintenance*

Section 1. *Power of commissioner of labor.*—The commissioner of labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment, and maintenance within the State of Minnesota, of one or more employment bureaus for the purpose of bringing together the man and the job. Said commissioner is also authorized and empowered to cooperate in a similar way, and for the same purpose with a municipality or municipalities, or with the Federal Government and any municipalities.

Such cooperative employment bureaus, when established, shall be under the joint management of the cooperating parties, and the cost and expense of

establishing and carrying on any such bureau, shall be borne by the cooperating parties, upon an equitable basis to be agreed upon between them.

CHAPTER 348.—*Payment of wages in scrip*

SECTION 1. *Orders to be negotiable.*—It shall be unlawful for any person, firm, or corporation other than public-service corporations to issue to any employee in lieu of or in payment of any salary or wages earned by such employee, a nonnegotiable time check or order. Any person, firm, or corporation so issuing a nonnegotiable instrument in lieu of or in payment of such salary or wages earned, shall be guilty of a misdemeanor.

CHAPTER 493.—*Labor organizations—Injunctions*

SECTION 1. *Organizations lawful.*—It shall not be unlawful for working men and women to organize themselves into, or carry on labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations; or carrying out their legitimate purposes as freely as they could do if acting singly.

SEC. 2. *Injunctions limited.*—No restraining order or injunction shall be granted by any court of this State, or any judge or judges thereof in any case between an employer and employees or between employer[s] and employees or between employees or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

SEC. 3. *What may not be prohibited.*—No restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any such person to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others by peaceful and lawful means, so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single individual; or [nor] shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court of the State.

SEC. 4. *Labor not a commodity.*—The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employee, or to change that relation; or to assume and create a new relation for employer and employee; or to perform and carry on business with any person in any place; or to work and labor as an employee, shall be held and construed to be a personal, and not a property right. In all cases involving the violation of the contract of employment, either by the employee or employer where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

SEC. 5. *Agreements not indictable.*—No person shall be indicted, prosecuted, or tried in any court of this State for entering into or carrying on any arrangement, agreement, or combination between themselves made with a view of lessening the number of hours of labor or increasing wages or bettering the condition of workingmen, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual.

SEC. 6. *When act does not apply.*—Nothing in this act shall hamper or curtail or in any manner take away the power of the executive department of government, or of the courts where there is threatened any irreparable injury to business or property by reason of violence, threats, or other unlawful acts, or where criminal syndicalism, as hereinafter defined, or the acts constituting the same, are involved; and criminal syndicalism is hereby defined to be the doc-

trine which advocates crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial, social, or political reform.

[An act of the Massachusetts Legislature, quite similar to the foregoing (ch. 778, Acts of 1914), was held unconstitutional by the supreme judicial court of that State. Bogni *v.* Perotti (1916), 112 N. E. 853; Bul. No. 224, p. 181.]

ACTS OF 1919

CHAPTER 40.—*Hours of labor of public employees—Eight-hour day*

SECTION 1. *Limit of eight hours.*—Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed by or on behalf of the State of Minnesota, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life.

CHAPTER 84.—*Factory, etc., regulations—Foundries*

SECTION 1. *Definition.*—An iron or steel foundry shall mean a place where iron or steel, or both metals, are melted and poured into sand molds in the making of castings, together with all cleaning, core-making, drying, and wash rooms and toilet rooms used in connection therewith.

The term "entrance" as used in this act shall mean main doorways opening directly to the outer air.

The term "gangway" as used in this act shall mean well-defined passageways dividing the working floors of foundries, but not the spaces between molds. Spaces between molds shall be divided into three classes, which shall be known as "bull-ladle aisles," "hand-ladle aisles," and "buggy-ladle aisles."

SEC. 2. *Effect of law.*—Except as otherwise specified, the provisions of this act shall, as to the subjects covered herein, exempt foundries from the laws relating to factories and workshops.

SEC. 3. *Entrances.*—Entrances to foundries shall be protected from November first to April first of each year by a covered vestibule, either stationary or movable, which shall be so constructed as to eliminate drafts and of such dimensions as to answer ordinary purposes, such as the passage of wheelbarrows, trucks, and small industrial cars: *Provided*, This shall not apply to entrances used for railroad or industrial cars handled by locomotives or motors, or for traveling cranes; or for vehicles, or for large industrial cars moved by hand; these entrances may remain open only for such time as is necessary for the ingress and egress of such cars, truck, and trains.

No locomotives shall be permitted to remain inside the foundry during the loading or unloading of the cars.

SEC. 4. *Gangways.*—Main gangways where metal is carried by hand, bull or truck ladles shall be not less than five feet wide. Truck-ladle gangways which are not main gangways shall be not less than four feet wide. Bull-ladle aisles between floors shall be not less than three feet wide. Single hand-ladle or buggy-ladle aisles between floors shall be not less than eighteen inches wide. Where trolleys are used over molding floors for pouring metal, the aisles shall be of sufficient width to permit the safe ingress and egress of employees and the safe use of the ladles. The provisions of this section shall apply to all foundries hereafter established. In existing foundries, where it is impractical to widen the gangways and aisles to the width required in this section, the commissioner of labor, or his assistants, may permit gangways and aisles to be of a narrower width.

SEC. 5. *Same.*—During the progress of casting, every gangway or aisle shall be kept entirely free from pools of water or obstructions of any nature. Every gangway where industrial tracks are used shall be constructed of a hard material of substantial character, and the top of the rails shll be flush with the floor. Every gangway shall be kept in a good and safe condition at all times.

SEC. 6. *Ventilation.*—Where smoke, steam, gases, or dust arising from any of the operations of the foundry are dangerous to the health or eyes, and where a natural circulation of air does not carry off the greater part of such smoke, steam, gases or dust, there shall be installed and operated adequate mechanical means of ventilation.

SEC. 7. *Cleaning castings.*—The cleaning and chipping of castings shall be done in cleaning rooms, except that castings may, when necessary, be chipped or cleaned in the molding room or where cast, provided sufficient protection is furnished by the use of a curtain or screen, or some other means equally good, to protect employees therein.

This section shall not apply if mechanical appliances are used for cleaning castings and the dust and particles arising therefrom are effectively removed.

SEC. 8. *Same.*—Where tumbler mills are used, exhaust systems shall be installed to effectively carry off the dust arising from the cleaning of castings, except where the mill is operated outside the foundry. This section shall not prohibit the use of a water barrel for cleaning castings. Sand blast operations shall be carried on in the open air or in a separate room used solely for that purpose. The milling of cupola cinders, when done inside the foundry, shall be carried on by an exhaust mill or water mill.

SEC. 9. *Use of compressed air.*—No cores shall be blown out of castings by compressed air unless such work is done outside the foundry or in a special or dust proof inclosure. Employees engaged in cleaning castings by compressed air or sand blast shall wear eye guards and helmets, to be furnished by the employer.

SEC. 10. *Ventilation.*—When fumes, gases, and smoke are emitted from drying ovens in such quantities as to be detrimental to the health or eyes of the employees, hoods and pipes or other adequate means of ventilation shall be provided.

SEC. 11. *Lighting.*—Where natural light is insufficient to properly light the foundry, artificial light of sufficient power shall be provided.

The continuous use of hand torches or other lamps that emit injurious smoke and gases is prohibited.

SEC. 12. *Heat.*—Proper and sufficient heat shall be provided and maintained in every foundry. The use of the open salamander stove, or stoves of that type, for heating purposes, shall be prohibited, except in cases of emergency.

SEC. 13. *Ladles.*—All hand and bull ladles shall be dried outside the foundry, or in accordance with section 6 of this act. A sufficient number of sheet-iron shields shall be available in foundries for use in covering hand and bull ladles.

SEC. 14. *Drying clothing.*—Suitable facilities shall be provided for drying the clothing of such employees as may be found necessary.

SECS. 15, 16. *Toilets.*—[Suitable toilets must be provided at foundries, protected from the weather, and separate for the sexes, in ratios ranging from one to 10 employees in small establishments, to one for 25 employees where 80 or more persons are employed.]

SEC. 17. *Lockers.*—Individual lockers, arranged for locking, shall be provided for employees, and shall be placed either in a room used exclusively for that purpose, in the wash room, in the drying room, or at convenient places in the foundry. The necessity for individual lockers shall be determined by the commissioner of labor or his assistants.

SEC. 18. *Inspection of tools.*—Ladles, shanks, tongs, slings and yokes, skimmers and slag hoes used in the pouring of molten metals shall, prior to their use, be inspected daily as to their safety by the men preparing and using same; and in addition, a regular inspection as to their safety shall be made once a month by a man designated for that purpose.

A monthly inspection shall also be made of the chains and cables on counterweights in connection with drying ovens, and reports of such inspection shall be made on prescribed forms and be kept on file for examination by the State actory inspector.

SEC. 19. *Use of drop.*—The breaking of castings by the use of a drop inside the foundry during the general working hours is prohibited. Where a drop is used for the breaking of castings or scrap outside of the foundry, a permanent shield of heavy planking or other adequate protection shall be provided.

SEC. 20. *Females.*—No female shall be employed in placing cores into ovens or in taking cores out of the ovens.

SEC. 21. *Same.*—No female employed in any core-making room shall be permitted to make or handle cores when the combined weight of core, core box, and plate at which she is working shall exceed twenty-five (25) pounds.

SEC. 22. *Brass foundries.*—A brass foundry shall mean a place where brass, aluminum, copper, tin, zinc, gold, silver, or composition metals contalning any

of the foregoing metals are melted or poured into sand molds in the making of castings: *Provided*, That foundries where only aluminum is melted shall be covered by the provision of this act governing iron and steel foundries.

The term "cellar," when used in this act, shall mean a room or part of a building which is one-half or more of its height below the level of the curb on the ground adjoining the building (excluding areaways).

The term "basement," when used in this act, shall mean a room or a part of a building which is one-half or more of its height above the level of the curb.

SEC. 23. *Ventilation, etc.*—The provisions of this act relative to dust, smoke gases or fumes, ventilation, sanitation, heat, light, gangways and aisles, safety appliances, drying and locker accommodations, as specified for iron and steel foundries, shall apply to brass foundries.

SEC. 24. *Platforms.*—In all brass foundries, when the crown plate of an upright melting furnace is elevated above the surrounding floor in excess of twelve inches, the furnace shall be equipped with a platform with a standard rail; such platform shall be constructed of metal or other fireproof material, and shall extend along the front and sides of the furnace, flush with the crown plate, and shall be at least four feet in width, and shall be clear of all obstructions during pouring time. If the platform is elevated above the floor in excess of twelve inches, the lowering from same of crucibles containing molten metal shall be done by mechanical means.

Where the combined weight of crucible, tongs, and molten metal exceeds two hundred fifty pounds, the same shall be removed from the furnace and deposited on the floor by mechanical means.

SEC. 25. *Guards.*—All persons removing pots containing molten metal from furnaces and handling same shall be provided with protection for legs and feet.

SEC. 26. *Floor scrapings.*—In all brass foundries gangway dirt and floor scrapings shall not be riddled in the room where workmen are employed, unless they are so dampened as to prevent dust arising therefrom.

SEC. 27. *Stoves.*—Stoves used for drying molds, when located in the rooms used by workmen, shall be surrounded by a casing of fireproof material to the full height of the stove.

SEC. 28. *Height of rooms.*—No brass foundry shall hereafter be constructed with a clearance of less than fourteen feet between the lowest point of the ceiling and the floor, except that where a peak, saw tooth, monitor, or arch roof is constructed the side walls may be of a minimum height of twelve feet.

SEC. 29. *Cellar foundries.*—In case any foundry that was legally operated in a cellar or basement on January 1st, 1919, shall be discontinued or unused for a period of more than four consecutive months, it can thereafter be reopened as a foundry only by complying with all the provisions of this act relating to future foundries. The occasional operation of a foundry for the purpose of evading this section shall not be deemed a continuance of use thereof.

SEC. 30. *Enforcement.*—The commissioner of labor and his assistants shall enforce the provisions of this act. Any person, firm, or corporation violating any of the provisions of this act shall, if after written notice by the commissioner of labor or his assistants, of such violation they shall not after thirty days have complied with such notice, be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred ($100) dollars or by imprisonment not exceeding ninety (90) days. If an employee neglects to use the devices furnished under the provisions of this act he shall be guilty of a misdemeanor, punishable by a fine not exceeding ten dollars or imprisonment for not exceeding ten days.

CHAPTER 175.—*Payment of wages due at end of employment*

SECTION 1. *Discharged employees.*—Whenever any person, firm, company, association, or corporation employing labor within this State discharges a servant or employee from his employment, the wages actually earned and unpaid at the time of such discharge shall become immediately due and payable, upon demand of such employee, at the usual place of payment, and if not paid within twenty-four hours after such demand, whether such employment was by the day, hour, week, month, or piece, such discharged employee may charge and collect wages at the rate agreed upon in the contract of employment, for such period, not exceeding fifteen days (after the expiration of said twenty-four hours) and the employer is in default, until full payment or other settlement, satisfactory to said discharged employee, is made.

SEC. 2. *Employees leaving employment.*—Whenever any such employee (not having a contract for a definite period of service) quits or resigns his employment, the wages earned and unpaid at the time of such quitting or resignation shall become due and payable within five days thereafter, at the usual place of payment, and any such employer failing or refusing to pay such wages, after they so become due, upon the demand of such employee at such place of payment, shall be liable to such employee from the date of such demand for an additional sum equal to the wages provided in said contract of employment, for every day (not, however, exceeding fifteen days in all), until such payment or other settlement satisfactory to said employee, is made: *Provided*, That if any employee having such a contract as is above defined, gives not less than five days' written notice to his employer of his intention to quit such employment, the wages of the employee giving such notice shall become due at the usual place of payment twenty-four hours after he so quits or resigns, and payment thereof may be demanded accordingly, and the penalty herein provided shall apply in such case from the date of such demand: *Provided further*, That if the employer disputes the amount of wages claimed by such employee under the provisions of this or the preceding section, and the employer in such case makes a legal tender of the amount which he in good faith claims to be due, he shall not be liable for any sum greater than the amount so tendered and interest thereon at the legal rate, unless, in an action brought in a court having jurisdiction, such employee recovers a greater sum than the amount so tendered with such interest thereon; and if, in such suit, said employee fails to recover a greater sum than that so tendered with such interest as aforesaid, he shall pay the cost of such suit; otherwise the cost thereof shall be paid by said employer: *Provided further*, That in cases where such discharged or quitting employee was, during his employment intrusted with the collection, disbursement, or handling of money or property, the employer shall have ten secular days after the termination of the employment, to audit and adjust the accounts of such employee before his or her wages shall become due and payable, and the penalty herein provided shall apply in such case only from the date of demand made after the expiration of such period allowed for such audit and adjustment; and if, upon such audit and adjustment of said accounts of such employee, it is found that any money or property intrusted to him by his employer has not been properly accounted for or paid over to the employer, as provided by the terms of the contract of employment, such employee shall not be entitled to the benefit of this act, but the claim for earned and unpaid wages of such employee, if any, shall be disposed of as provided by existing law.

SEC. 3. *Absent, etc., employees.*—No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment: *Provided*, When any number of employees enter upon a strike, the wages due such striking employees at the time of entering upon such strike shall not become due until the next regular pay day after the commencement of such strike.

SEC. 4. *Exceptions.*—This act shall not be construed to apply to any person employed exclusively as a farm laborer, nor to any employer or an individual, copartnership, or corporation that is bankrupt, or where a receiver or trustee is acting under the direction of the court. Payment or tender by check drawn on a bank situated in the county where a laborer is employed shall be a sufficient payment or tender to comply with the provisions of this act.

SEC. 5. *Costs.*—In any action by any such employee as is described in this act, for the recovery of unpaid wages after the time when such wages shall have become due, as herein provided, there shall be allowed to the plaintiff, and included in any judgment rendered in his favor, in addition to his disbursement allowed by law, if the judgment be recovered in a justice court, five dollars cost, and a like sum if the judgment be recovered in a municipal court and such plaintiff shall be allowed double statutory costs in any such action in any court in which statutory costs are now allowed by law in ordinary actions.

CHAPTER 365.—*Vocational rehabilitation of injured workers*

SECTION 1. *Division established.*—There is hereby established, under the direction and control of the State board for vocational education, a division for the training and instruction of persons whose capacity to earn a living has

in any way been destroyed or impaired through industrial accident or otherwise: *Provided*, That at the time when the accident or disability was incurred they were residents or citizens of the State of Minnesota. The said board shall in its regular reports to the legislature describe in deail the work of the division and may from time to time issue bulletins coutaining information relative thereto.

SEC. 2. *Employees.*—The employees of the said division shall be appointed and their salaries determined by the said board. The division shall be furnished with suitable quarters in the State capitol, and the board may expend for salaries and other necessary expeuses of such division such amounts as shall be appropriated by the legislature.

SEC. 3. *Cooperation.*—The State board for vocational education and the department of labor and industries, or any agency which may succeed it in the administration or supervision of the workmen's compensation act, shall formulate a plan of cooperation with reference to the work of said division. Such plan shall be effective only when approved by the governor of the State.

SEC. 4. *Duties.*—The said division shall aid persons who are incapacitated as described in section one in obtaining such education, training, and employment as will tend to restore their capacity to earn a livelihood. The division may cooperate with the United States Government, and as a part of such cooperatiou may extend the benefits of this act to any civil employee of the United States disabled while in the performance of his duty, without regard to the residence or citizenship of such employee, if in the judgment of the board the benefits offered by the Federal Government are sufficient to compensate for the cost. The division may of its own accord, establish or maintain, or in cooperation with local boards of education, assist in establishing or maintaining such courses as it may deem expedient, and otherwise may act in such manner as it may deem necessary to accomplish the purposes of this act.

CHAPTER 388.—*Accident, etc., insurance—Deductions from wages of employees*

SECTION 1. *License required.*—From and after the first day of July, 1919, no employer shall, by agreement with his employees or otherwise, make deductions from their wages for the purpose of furnishing them with medical or hospital care, accident, sickness, or old age insurance or benefits, either directly or through a mutual association, unless he has first received from the commissioner of insurance of this State a license for the benefit plau he operates or proposes to operate. Such license shall be granted by the commissioner of insuraunce only when he is satisfied that the benefits given are commensurate with the charges made, and that the said charges are sufficient to keep the fund solvent. All such licenses shall be for the period of one year and it shall be proper for the commissioner to require a statement of the operation of the fund, on a form to be prescribed by him before granting a renewal. The fee for any license granted under this act shall be one dollar ($1) and the fee for filing the annual statement one dollar ($1): *Provided*, That in any case before granting a license the commissioner of insurance shall submit the proposed plan to the commissioner of labor and industries iu order that he may determine whether the benefits are in conjunction with benefits under the workmen's compensation act and take such action as is required by section 8227, General Statutes of 1913, as amended by section 15, chapter 209, General Laws of 1915 [relating to the iusurance of risks by employers under the compensation act].

SEC. 2. *Violations.*—Any person, firm, corporation, or associatiou that makes deductions from the wages of his, their, or its employees in violation of section 1 of this act shall be deemed guilty of a misdemeanor: *Provided*, That this act shall not apply to railroad companies engaged in interstate commerce.

CHAPTER 483.—*Factory, etc., regulations—Elevators*

SECTION 1. *Owner to employ operator, when.*—In any building occupied in whole or in part for factories, workshops, or offices, by two or more tenants, and in which building two or more tenants use jointly the same elevator for the purpose of moviug persons or freight from one floor to another, it shall be the duty of the owner of such building to provide a competent person or persons to regularly operate such elevator, and no other person shall operate such elevator: *Provided*, That such owner may arrange by agreement with one or more of such tenants to provide a regular operator or operators to run such elevator.

SEC. 2. *Locks.*—Every elevator or the entrance to such elevator in any building mentioned in section 1 shall be provided with a lock or fastening device which shall prevent the use of such elevator except by a person authorized to operate the same, and such lock or fastening device shall be applied by the operator to the controlling apparatus or gate of such elevator before leaving the elevator without an authorized attendant.

SEC. 3. *Enforcement.*—It shall be the duty of the commissioner of labor and his assistant, whenever they find an elevator in use in violation of this act, to seal the entrances of such elevator and attach a notice forbidding the use of such elevator until the provisions of this act are complied with. Any person, firm, or corporation who violates any of the provisions of this act, or who removes any seal or notice forbidding the use of such elevator except by authority of the commissioner of labor, or who operates such elevator after a notice has been attached forbidding the use of such elevator except after such notice has been removed by authority of the commissioner of labor, shall be guilty of a misdemeanor, punishable by a fine or imprisonment.

CHAPTER 491.—*Inspection and regulation of places of employment—Sanitation, etc.*

SECTION 1. *Scope of act.*—The term "all places of employment" as used in this act shall means any place, either inside or outside, where any business or industry is carried on and in which persons are employed and shall include factories, mills, workshops, laundries, dyeing and cleaning establishments, mercantile establishments, offices and office buildings, hotels, restaurants, theaters and other places of amusement, transportation systems, public utilities, engineering works, the erection of buildings, and yards; but shall not be construed to apply to domestic service or agricultural labor.

SEC. 2. *Cleanliness.*—In all places of employment it shall be the duty of the employer to keep the floors and walls of buildings or parts of buildings, the grounds surrounding such buildings, and the machinery, fixtures, and utensils in such buildings, over which he may have control, in as clean and sanitary a condition as the nature of the industry will permit. Where wet processes are used, the floors must be so drained that there is no measurable depth of water in which employees must stand while working. Where practicable, dry standing room must be provided for all employees. Suitable receptacles shall be provided and used for the storage of waste and refuse; such receptacles shall be maintained in a sanitary condition. All waste, refuse, sweepings, and decomposed matter shall be removed from such buildings daily, and in such manner as not to cause a nuisance. All cleaning shall be done, as far as possible, out of working hours; but if done during working hours, shall be done in such a manner as to avoid unnecessary raising of dust or noxious odors. All such places of employment shall be well drained and the plumbing thereof at all times kept in proper repair and in a clean and sanitary condition. In all such places of employment the floors shall be scrubbed and the walls cleaned whenever and so often as the commissioner of labor deems it necessary.

SEC. 4. *Ventilation.*—In every place of employment the employer shall provide in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation. If excessive smoke, steam, gas, fumes, vapors, dust, or other impurities are created or generated by the manufacturing process or handicraft carried on therein, in sufficient quantities to obstruct the vision, or to be irritating, obnoxious, or injurious to the health or safety of the employees therein, the room shall be ventilated in such manner as to remove them or render them harmless, so far as is practicable. If in the opinion of the commissioner of labor it is deemed necessary, he may order the installation of exhaust fans and other mechanical means of a proper construction to effectively remove from the point of origin such smoke, steam, gases, fumes, vapors, dust or other impurities. If the removal of such smoke, steam, gases, fumes, vapors, dust, or other impurities is, because of the nature of the process, impracticable, the commissioner of labor may, if he deems it necessary to the health of the workers in any place of employment, order the isolation of such process or handicraft in a separate room or building.

SEC. 5. *Air space.*—No more employees shall be required or permitted to work in a room in any place of employment than will allow to each of such employees not less than four hundred (400) cubic feet of air space, unless by a written permit of the commissioner of labor such amount of air space for each employee may temporarily be reduced to not less than two hundred fifty (250)

cubic feet of air space: *Provided*, That no such permit shall be issued for a room in which smoke, gas, fumes, dust, or vapors are generated or in which there are fires consuming oxygen.

SEC. 6. *Warmth.*—In every place of employment the workrooms shall, so far as the nature of the industry will permit, be properly heated during cold weather. In every place of employment where excessive heat be created in any of the workrooms by the nature of the process therein carried on it shall be the duty of the employer to provide heat deflectors, exhaust fans, and such other mechanical means that are necessary to protect from the heat and to carry off, so far as practicable, such excessive heat and to cool off such workrooms. After the passage of this act it shall be unlawful in any place of employment to establish any process or handicraft which creates excessive heat in any workroom the ceiling of which is less than eight feet from the floor of such workroom or the floor of any balcony in such workroom.

The use of salamanders or other heaters that discharge smoke or gas into a workroom in which workers are employed is prohibited.

SECS. 7–14. *Toilets; wash rooms, etc.*—[Toilets must be provided in all places of employment, with separate accommodations for the sexes. If sewer connections are available, they must be so connected; if not, closets must be at least 25 feet from and easily accessible to the places of employment, with a covered passageway where the employment involves excessive heat, humidity or fatigue. Proper screening, cleanliness, etc., are prescribed. Ratios of numbers of conveniences are fixed. Washing facilities must be provided, with individual towels, supplied by the employer. If poisonous or injurious materials are handled, or workers are exposed to oil, grease, or soot, hot and cold water and soap must be supplied. Where a change of clothing is necessary, suitable dressing rooms must be furnished, with separate accommodations; and if poisonous compounds are handled, facilities for hanging and storing garments must be such as to prevent the contact of garments with each other. Such rooms must be separated from toilet rooms, and have outside ventilation.]

SEC. 15. *Place to eat.*—In every place of employment it shall be unlawful to keep or eat any food in a room in which the dust or fumes of poisonous compounds are present. In such places of employment the employer shall provide a suitable place in which employees may eat their meals. No employee engaged in handling such poisonous compounds shall go out or be allowed to go out for lunch or to eat his or her lunch on the premises without first washing his or her hands, and, if necessary, washing his or her face.

SEC. 16. *Seats for females.*—In all places of employment where women are employed, the employer thereof shall provide and maintain suitable seats, with proper backs where practicable, for the use of such women employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health. In all places where women are engaged in work which can be properly performed in a sitting posture, suitable seats, with backs where practicable, shall be supplied in every factory for the use of all such women employees and permitted to be used at such work. The commissioner of labor may determine when seats, with or without backs, are necessary and the number thereof.

SEC. 17. *Drinking water.*—Every place of employment shall provide, without expense to the employees, an adequate supply of pure drinking water. When practicable, ice used for cooling purposes shall be applied in such manner that the ice itself will not come in contact with the drinking water, and the water from the melting ice shall not become mixed with the drinking water. In all places of employment where no running water can be provided, the receptacle for holding the drinking water shall at all times be kept in a clean and sanitary condition and must be kept covered to prevent dust or impurities from entering such receptacle.

SEC. 18. *Joint occupation.*—Whenever any building is occupied by more than one place of employment and the halls, stairs, toilets, or other portions of the building are used jointly by more than one tenant, or in which conditions prohibited by this act are jointly created by more than one tenant, it shall be the duty of the owner of such building to carry out the provisions of this act: *Provided*, That the owner of any such building may arrange by agreement, with one or more of his tenants to assume a responsibility for carrying out the provisions of this act.

SEC. 19. *Enforcement.*—It shall be the duty of the commissioner of labor to enforce the provisions of this act. Thirty (30) days' notice shall be

given for any new installations required by this act before any criminal proceeding shall be commenced; but the commissioner of labor may, for good cause shown, extend the time to a longer period. All orders to place toilets, floors, and receptacles in a sanitary condition shall be complied with in forty-eight (48) hours. Any persons, firm, or corporation violating the provisions of this act, or failing to comply, in the time specified, with any order of the commissioner of labor, shall be guilty of a misdemeanor, punishable by fine or imprisonment at the discretion of the court. Any person, firm, or corporation aggrieved at any order of the commissioner of labor issued pursuant to this act may apply for a restraining order to the district court in the manner and as provided in section 3822, General Statutes of 1913.

ACTS OF 1921

CHAPTER 81.—*Industrial commission*

SECTION 1. *Department continued.*—The department of labor and industries is hereby continued as a department of the State government, under the control and management of the industrial commission of Minnesota, hereinafter created, and the office of commissioner of labor is hereby abolished.

SEC. 2. *Commission created.*—There is hereby created a commission to be known as the "Industrial Commission of Minnesota," hereinafter called the commission. The commission shall be composed of three commissioners who shall be appointed by the governor by and with the advice and consent of the senate. The first three commissioners shall be appointed within thirty (30) days after the passage of this act and before the adjournment of the present legislature, if practicable. One shall be appointed for a term commencing March 15, 1921, and ending June 30, 1923; one for a term commencing March 15, 1921, and ending June 30, 1925; and one for a term commencing March 15, 1921, and ending June 30, 1927; and thereafter each commissioner shall be appointed for a term of six years. Not more than two commissioners shall belong to the same political party. Inasmuch as the duties to be performed by such commission vitally concern the employers, employees, as well as the whole people of the State, it is hereby declared to be the purpose of this act that persons be appointed as commissioners who shall fairly represent the interests of all concerned in its administration. Any vacancy on the commission shall be filled by the governor by and with the advice and consent of the senate for the unexpired portion of the term in which the vacancy occurs.

SEC. 3. *Salaries, etc.*—Each commissioner shall receive an annual salary of $4,500, payable in the same manner that other State salaries are paid. Each commissioner shall devote his entire time to the duties of his office. The commissioner whose term first expires shall be chairman. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by law.

SEC. 4. *Removal from office.*—The governor may at any time remove a commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and fix a time when he shall be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete copy of all the charges made against such commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute and there shall be no right of review in any court whatsoever.

SEC. 5. *Political action.*—Every commissioner and every officer or employee of the commission, who by solicitation or otherwise exerts his influence, directly or indirectly, to induce other officers or employees of the State to adopt his political views, or to favor any particular person or candidate for office, or to contribute funds for campaign or political purposes, shall be removed from his office or position by the authority appointing him.

SEC. 6. *Office.*—The commission shall keep its office at St. Paul and shall be provided by the custodian of State property with suitable rooms and necessary furniture. The commission may, however, hold sessions at any other place in the State when the convenience of the commission and the parties interested so requires.

SEC. 7. *Organization.*—Upon the taking effect of this act, the commission shall meet at the State capitol and organize. A majority of the commissioners

shall constitute a quorum for the exercise of the powers conferred and the duties imposed on the commission. A vacancy shall not impair the right of the remaining commissioners to exercise all the powers and perform all of the duties of the commission.

SEC. 8. *Office to be open.*—The department of labor and industries shall be open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of the commission shall be open to the public and may be adjourned from time to time. All the proceedings of the commission shall be shown on its records, which shall be public records.

SEC. 9. *Seal.*—The commission shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Industrial Commission of Minnesota—Seal," and such other design as the commission may prescribe. The courts of this State shall take judicial notice of such seal and of the signatures of the chairman and the secretary of the commission; and in all cases copies of orders, proceedings, or records of the commission, certified by the secretary of the commission under its seal, shall be received in evidence, with the same force and effect given to the originals.

SEC. 10. *Secretary.*—The commission shall appoint a secretary, who shall receive an annual salary not exceeding $3,500, and who shall hold office at the pleasure of the commission. It shall be the duty of the secretary to keep a full and true record of all proceedings of the commission, to issue all necessary processes, writs, warrants, and notices which the commission is required or authorized to issue, and generally to perform such other duties as the commision may prescribe.

SEC. 11. *Staff.*—The commission may appoint with complete and absolute power of removal such division heads or chiefs, deputy division heads, or chiefs, managers, assistant managers, superintendents, officers, agents, architects, accountants, experts, engineers, physicians, and referees as may be necessary for the exercise of its powers and the performance of its duties; and subject to the provisions of General Statutes 1913, sections 3813, 3814, 3815, 3816, which shall be applied as far as applicable may also appoint such statisticians, inspectors, deputy inspectors, and other employees, and assistants as may be necessary for the exercise of its powers and the performance of its duties. The commission shall prescribe the duties and fix the salaries of all such appointees which shall not exceed in the aggregate the amount appropriated by the legislature for that purpose. All persons holding positions in the department of labor and industries or under the State board of arbitration on June 1, 1921, shall be transferred by the commission to the department of labor and industries as herein constituted, and assigned to such positions and duties as the commission may designate.

SEC. 12. *Expenses.*—The commission and the officers, assistants, and employees of the commission shall be paid out of the State treasury their actual and necessary expenses while traveling on the business of the commission. Vouchers for such expenses shall be itemized and sworn to by the persons incurring the expense, and be subject to the approval of the commission.

SEC. 13. *Powers transferred.*—On and after June 1, 1921, the commission shall possess all the powers and perform all the duties now conferred and imposed by law on the department of labor and industries and the State board of arbitration except that any power or duty vested in the commissioner of labor at the time of the taking effect of this act and requiring individual action, shall, on the taking effect of this act, be exercised or performed by such member of the commission, or officer or employee of the department, as shall be designated by the commission. The State board of arbitration, as now constituted, is hereby abolished.

SEC. 14. *Divisions.*—The department of labor and industries shall consist of the following divisions, to wit: Division of workmen's compensation, division of boiler inspection, division of accident prevention, division of statistics, division of women and children, division of employment, division of mediation and arbitration, and such other divisions as the commission may deem necessary and establish. Each division of the department and persons in charge thereof shall be subject to the supervision and direction of the commission and of any commissioner assigned to supervise the work of such division, and, in addition to such duties as are or may be imposed on them by statute, shall perform such other duties as may be assigned to them by the commission.

SEC. 15. *Powers and duties.*—The commission shall have the following powers and duties:

(1) *Workmen's compensation.*—To exercise such powers and perform such duties concerning the administration of the workmen's compensation laws of the State as may be conferred and imposed on it by such laws.

(2) *Inspection, etc.*—To exercise all powers and perform all duties now conferred and imposed on the department of labor and industries as heretofore constituted, and the bureaus of such department, so far as consistent with the provisions of this act.

(3) *Employment agencies.*—To establish and conduct free employment agencies, and after the first day of June, 1921, to supervise the work of private employment offices all as now provided by law; to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, to encourage wage earners to insure themselves against distress from unemployment, to investigate the extent and causes of unemployment in the State and remedy therefor, and to devise and adopt the most efficient means in its power to avoid unemployment.

(4) *Labor disputes.*—To promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees in order to avoid strikes, lockouts, boycotts, black lists, discriminations, and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration or conciliation, provide the necessary expenses of such boards, order reasonable compensation not exceeding $15 per day for each member engaged in such arbitration or conciliation, prescribe rules of procedure for such arbitration or conciliation boards, conduct investigations and hearings, issue or publish statements, findings of facts, conclusions, reports, and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The commission may designate a subordinate, to be known as chief mediator, and may detail other assistants or employees for the purpose of executing these provisions, without extra compensation. In order to carry out the provisions of this subsection the industrial commission, or any commissioner thereof, the chief mediator or any temporary board of conciliation or arbitration, shall have power to administer oaths to witnesses and to issue subpœnas for the attendance of witnesses; and if any person refuses to comply with any subpœna issued by the commission a commissioner, the chief mediator, or a temporary board of conciliation or arbitration, or if any witness refuses to testify regarding that about which he may be lawfully interrogated, the judge of any district court of any county in the State, on application of the commission or of a commissioner, shall compel obedience by attachment proceedings as for contempt, as in the case of the disobedience of a subpœna issued by such court.

(5) *Rules.*—To adopt reasonable and proper rules and regulations relative to the exercise of its powers and duties, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings. But such rules and regulations shall not be effective until ten days after their adoption. A copy of such rules and regulations shall be delivered to every citizen making application therefor.

(6) *Statistics.*—To collect, collate, and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary. On or before the first Monday in January of each year the commission shall report its doings, conclusions, and recommendations to the governor, which report shall be printed and distributed biennially to the members of the legislature and otherwise as the commission may direct.

(7) *Branch offices.*—To establish and maintain branch offices as needed for the conduct of its affairs.

CHAPTER 83.—*Inspection of steam boilers*

SECTIONS 1–6. *Division created.*—[This act created a division of boiler inspection in the department of labor and industries, terminating the board of boiler inspectors and the offices of chief and deputy inspector, transferring their duties and powers to the newly created division.]

CHAPTER 84.—*Minimum wage commission*

SECTIONS 1–3. *Transfer of powers.*—[This chapter abolished the minimum wage commission and transferred its duties and powers to the division of women and children in the department of labor and industries.]

CHAPTER 113.—*Factory, etc., regulations—Safety provisions*

SECTION 1. *Goggles, etc., required.*—It shall be unlawful for any employer of labor in this State to require or permit any employee to engage in any occupation or process of employment in which there is danger of serious injury to the eyes of such employees or of surrounding workmen from flying objects or particles thrown by machines or tools or from the splashing of hot substances or chemicals, unless and until the employer shall furnish to each employee subjected to such hazard goggles, helmets, or other practical protective devices to prevent such injuries.

SEC. 2. *Duty of employees.*—It shall be unlawful for any employee to engage in any occupation or process of employment mentioned in section 1 of this act unless he shall wear or use the protective devices furnished by the employer during the entire time he is engaged in such occupation or employment.

SEC. 2½. *Exceptions.*—The provisions of this act shall not apply to persons employed in steam and electric transportations.

SEC. 3. *Design.*—The goggles and helmets required in section 1 of this act shall be of a design and material approved by the commissioner of labor for the purposes required, and shall be furnished separately for each employee using them without cost to such employee, and no employee shall be required nor shall he use the goggles or helmet furnished to another until the same has been adequately sterilized to prevent the transmission of diseases.

SEC. 4. *Violations.*—[Violations of above sections entail a fine of not less than $25, or imprisonment not less than 15 days. Violations shall not affect right to compensation for injury sustained by neglect to comply with requirements. Act shall not apply to nor include farm labor.]

CHAPTER 318.—*Employment of children in street trades*

SECTION 1. *Children in street trades.*—[Forbids boys under 16 or girls under 18 engaging in street trades in cities of the first, second or third class, except that boys 14 to 16 entitled under the laws of the State may secure permits and badges allowing them to so engage between 5 a. m. and 8 p. m.; and boys 12 to 16 on proof of age and physical fitness may have permits for work between 5 a. m. and 8 p. m. when the schools are not in session.]

SEC. 2. *Permits.*—[Boys holding permits may sell extra newspapers after 8 p. m. unless forbidden by a curfew law.]

SEC. 3. *Badges.*—[A deposit of 25 cents is required for badges, which are not transferable.]

SEC. 4. *Enforcement.*—[Enforcement rests with the school attendance officers.]

SEC. 5. *Permits and badges recalled.*—[Permits and badges may be recalled in the direction of the issuing officer.]

SEC. 6. *Proviso.*—[This act does not apply to regularly employed carriers.]

CHAPTER 429.—*Employment of children—School attendance*

SECTIONS 1, 2. *Aid to certain children.*—[This act permits aid from the poor fund of the county to be given children of compulsory school attendance age where it is claimed that their labor is necessary to their own support or the support of those entitled to their services.]

CHAPTER 436.—*Vocational rehabilitation*

SECTION 1.—*Information available.*—The employees of the division of reeducation and placement of disabled persons created by chapter 365, Laws 1919, shall have the right to receive from the railroad and warehouse commission under section 4233, General Statutes 1913, the names and addresses of persons injured. No information obtained from such reports nor any copy of the same shall be open to the public, nor shall any of the contents thereof be disclosed in any manner by any official or clerk or other employee of the State having access thereto, but the same may be used solely to enable the division to offer the benefits of reeducation to the persons injured.

SEC. 2. *Confidential.*—Any disclosure prohibited by section 1 is hereby declared to be a misdemeanor and punishable as such.

ACTS OF 1923

CHAPTER 298.—*Weekly day of rest*

SECTION 1. *Six days a week.*—No person shall be employed in, or about, any mechanical or mercantile establishment, factory, foundry, laundry, power plant or stationary boiler or engine room, in this State, more than six days in any one week: *Provided, however*, That this act shall not apply to employees of any common carrier by steam or gasoline or electric railway, nor employees of hospitals, clinics, sanitoriums or dispensaries who are directly employed in the care of the sick nor to the employees of any telegraph or telephone company or employees engaged in conducting the telegraph or telephone business, nor to employees of any undertaker, undertaking establishment, cemetery association or company, nor to employees of newspaper plants, nor to employees in any canning factory or establishment, nor to employees engaged in the burning of kilns in potteries, sewer pipes or brick and tile factories where continuous fire is necessary, nor to employees in any creamery or cheese factory, in any town, village or city of the third or fourth class, nor employees engaged in the burning of lime or hydrating of lime, nor employees engaged in the manufacture of salt or refining of salt, nor to places of public amusements, nor to automobile garages, repair shops and oil filling stations, nor to licensed pharmacists or assistant pharmacists, nor to persons engaged in caring for live stock, nor to any employee working in or in connection with any flour mill or the operation thereof or in or in connection with the milling industry or carrying on the same, nor heating plants in any building or edifice, when only one person is employed therein, nor to works of necessity or emergency whether caused by fire, flood, or danger to life and property, or otherwise, nor to those engaged in military or naval service. Whenever the industrial commission shall determine, after investigation upon application of an employer that an extraordinary rush in the business, industry, or establishment of such employer requires the employees thereof or therein during any season or period of any calendar year to work more than six days a week in order to meet the demands of such business, industry or establishment, or its patrons, an emergency within the meaning of such term as used in this act, shall be deemed to exist therein: *Provided, however*, That there shall not be more than one such period or season and the same shall not continue for more than three consecutive months in any one calendar year: *And provided*, That no employee shall in any such case be required to work more than six days within any one week without his consent: *And provided further*, That it shall be the duty of the industrial commission, upon application of any employer in such form as the commission shall prescribe, as herein provided, to determine whether or not any such extraordinary rush of business exists, and make its order accordingly and file and keep the same as a part of its records.

SEC. 2. *Employer to report.*—Every employer subject to the provisions of this act shall arrange the work of his, her, or its employees in such a manner as to carry out the provisions hereof, and shall post in the place of employment, a schedule, showing the working period of each employee for each week, designating clearly the day of the week which shall be rest day for each employee. The employer shall file with the industrial commission of this State a copy of such schedule, and of every change that may be made therein.

SEC. 3. *Violations.*—[Violations of the above sections are punishable by fine of not less than $25 nor more than $100 for each offense.]

SEC. 4. *Enforcement.*—It shall be the duty of the industrial commission of this State to aid to the fullest possible extent in the enforcement of the provisions of this act, and in the prosecution of all violations thereof.

CHAPTER 422.—*Employment of women—Hours of labor*

SECTION 1. *Women to work nine and one-half hours per day.*—No female shall be employed at any business or service whatever more than nine and a half hours in any one day and fifty-four hours in any one week, provided that this act shall not apply to women employed as domestics in the home, or to persons engaged in the care of the sick or injured, or to cases of emergency in which the safety, health, morals or welfare of the public may otherwise be affected, or to cases in which night employees may be at the place of employment for no more than twelve hours and shall have opportunity for at least four hours of sleep; or to telephone operators in municipalities of less than 1,500 inhabitants.

SEC. 2. *Unlawful to work more.*—It shall be unlawful for any employer of labor to employ, cause to be employed or permit any female employee to labor any number of hours whatever, with knowledge that such female has heretofore been employed within the same date and day of twenty-four hours in any establishment and by any previous employer, for a period of time that will, combined with the period of employment by a previous employer exceed nine and a half hours: *Provided*, That this shall not prevent the employment of any female in more than one establishment where the total number of hours worked by said employee does not exceed nine and a half hours in any one day of twenty-four hours. If any female shall be employed in more than one such place, the total number of hours of such employment shall not exceed nine and a half hours during any one day of twenty-four hours or fifty-four hours in one week.

SEC. 3. *Liability.*—Any employer or any agent acting for an employer who shall require or permit or suffer any female to work at any business or service whatever more than the number of hours provided for in section 1 of this act, more than nine and a half hours in any one day or more than fifty-four hours in any one week; or who shall fail, neglect, or refuse so to arrange the work of females in his employ that they shall not work more than the number of hours provided for in this act during any one day or any one week or who shall knowingly permit or suffer any overseer, superintendent, foreman or forelady, or other agents of any employer to violate any of the provisions of this act. shall be guilty of a misdemeanor and upon conviction thereof shall, at the discretion of the court, be fined for each offense in the sum of not less than twenty-five dollars or more than one hundred dollars and whenever any person shall have been notified by the Industrial Commission of Minnesota or by the service of a summons in a prosecution that he is violating such provision, he shall be punished by like penalty in addition for each and every day that such violation shall have continued after such notification.

SEC. 4. *Lunch period.*—In every establishment provided for in section 1 of this act at least sixty minutes shall be allowed for regular meals unless the Industrial Commission of Minnesota shall permit a shorter time.

Such permit must be in writing and conspicuously posted in the workroom of the establishment where women are employed and may be revoked at any time.

SEC. 5. *Act to be posted.*—Every employer to whom this act shall apply shall keep posted in a conspicuous place in the workroom where such females shall be employed or permitted to work, a printed abstract of the provisions of this act.

SEC. 6. *Schedule of hours to be posted.*—A printed schedule stating the number of hours per day for each day of the week required of such persons and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where females are employed but such persons may begin their work after the time of beginning and stop before the time for ending such work mentioned in this notice, but they shall not otherwise be employed or permitted or suffered to work in any establishment except as stated herein.

SEC. 7. *Commission to supply forms, etc.*—The Industrial Commission of Minnesota shall supply the abstract of the provisions of this act and the form for the schedules of hours of labor required for this act to all employers to whom this act shall apply.

SEC. 8. *Record kept; penalty.*—Every employer shall keep a time book or record for every female employee in his establishment, stating the number of hours worked by her each day and the total hours of each week, and the hours of beginning and stopping such work. Such time book or record shall be open to the inspection of the members of the Industrial Commission of Minnesota. The employer who willfully fails to keep such a time book or record as required by this section or makes any false statements therein or refuses to exhibit such time book or record or makes false statements to the members of the Industrial Commission of Minnesota in reply to any questions put in carrying out the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall at the discretion of the court be fined for each offense the sum of not less than ten dollars or more than twenty-five dollars, or by imprisonment for not exceeding ten days.

SEC. 9. *Enforcement.*—The Industrial Commission of Minnesota shall be charged with the duty of enforcing the provisions of this act and prosecuting all violations thereof.

MISSISSIPPI

CONSTITUTION

Protection of employees as voters, etc.

SECTION 191. *Laws to be passed.*—The legislature shall provide for the protection of the employees of all corporations doing business in this State from interference with their social, civil, or political rights by said corporations, their agents or employees.

Liability of railroad companies for injuries to employees

SECTION 193. *Negligence of superiors.*—Every employee of any railroad corporation shall have the same right and remedies for any injuries suffered by him from the act or omission of said corporation or its employees, as are allowed by law to other persons not employees where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured, of the defective or unsafe character or condition of any machinery, ways, or appliances, shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars, or engines voluntarily operated by them. Where death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, express or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation or his legal or personal representative, of any right or remedy that he now has by the law of the land. The legislature may extend the remedies herein provided for to any other class of employees.

A railroad company is liable for the death of a locomotive fireman occasioned by the negligence of a telegraph operator. Action for injuries resulting in death must be brought by the executor or administrator of the decedent. 70 Miss. 471.

A brakeman on a train acting on the signal of the engineer to apply brakes, and injured by the engineer's negligence can not hold the company liable. While thus engaged in routine duties the engineer is not the superior of the brakeman within the meaning of this section. 70 Miss. 527.

A brakeman hurt while uncoupling a car without the use of a stick, in violation of a rule of the company, though acting in obedience to the order of his superior, the conductor can not maintain an action under this section. 15 So. 133.

This section abolishes the defense of contributory negligence unless it be willful or reckless. 70 Miss. 20.

The injured employee need not be at the time carrying out a special command of his superior, but is entitled to recover if injured by his negligence. The superior officer may likewise be engaged in the primary duties of his station, and not in the positive duties of a master. 36 So. 691.

The provision that knowledge of defects shall not be a defense does not preclude such knowledge as a fact controlling the degree of care to be exercised by the employee under the circumstances from being admissible to show contributory negligence. 18 So. 449.

This section is self-executing. Rights accruing thereunder are enforceable outside the State. 75 Fed. 873.

CODE OF 1906

Actions for injuries causing death—Employers' liability

SECTION 721 (as amended 1922, ch. 229). *When action may be brought.*—Whenever the death of any person shall be caused by any real wrongful or negligent act, or omission, or by such unsafe machinery, way or appliances as would, if death had not ensued, have entitled the party injured, or damaged thereby to maintain an action and recover damages in respect thereof, and such deceased persons shall have left a widow or children, or both, or husband, or father, or mother or sister, or brother, the person or corporation, or both that would have been liable if death had not ensued, and the representatives of such person shall be liable for damages, notwithstanding the death, and the

fact that death was instantaneons shall, in no case affect the right of recovery. The action for such damages may be brought in the name of the personal representative of the deceased person, for the benefit of all persons entitled under the law to recover or by the widow, for the death of her husband, or by the husband for the death of the wife, or by the parent for the death of a child, or in the name of a child for the death of a parent[,] or by a brother for the death of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one suit for the same death which shall ensue for the benefit of all parties concerned, bnt the determination of such suit shall not bar another action unless it be decided on its merits. In such action the party or parties suing shall recover such damages as the jury may determine to be just, taking into consideration all the damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit.

This section shall apply to all personal injuries of servants and employees received in the service of [or] business of the master or employer, where snch injuries result in death. Damages recovered under the provisions of this section shall not be subject to the payment of the debts or liabilities of the deceased, except as hereinafter provided, and such damages shall be distribnted as follows:

Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband: and if the deceased has no husband or wife the damages shall be eqnally distributed to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or such of them as the deceased may have living at his or her death. If the deceased have neither husband, or wife, or children, or father, or mother, or sister, or brother, then the damages shall go to the legal representative, subject to debts and general distribution, and the fact that the deceased was instantly killed shall not affect the right of the legal representative to recover. The provisions of this section shall apply to illegitimate children on account of the death of the mother and to the mother on acconnt of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates.

If the deceased be illegitimate and shall leave neither mother, child nor lawful heirs, then all the provisions of this section shall extend and apply to the legal representatives, and the other natural blood relatives of deceased the same as if they were his legitimate relatives and heirs, excepting his father and his father's relatives, unless they be full brothers or sisters of deceased, or their heirs.

Protection of employees as voters

SECTION 905. *Rights of employees.*—Any corporation doing business in this State shall be liable to a penalty of two hundred and fifty dollars for every unlawful interference with the social, civil, or political rights of any of its agents or employees, and the same may be recovered by suit, to be brought by the injnred party.

Employment of children—Enticing

SECTION 1080. *Enticing children.*—Any person who shall persuade, entice, or decoy away from its father or mother, with whom it resides, any child under the age of twenty-one years if a male, or eighteen if a female, being unmarried, for the pnrpose of employing such child, without the consent of its parents, or one of them, shall, upon conviction, be punished by a fine of not more than twenty dollars, or imprisonment in the county jail not more than thirty days, or both.

Interference with employment—Conspiracy against workingmen

SECTION 1084. If two or more persons conspire either—

* * * * * * *

5. *Interference with employment.*—To prevent another from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use of employment thereof;

* * * * * * *

Such persons, and each of them, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than twenty-five dollars, or shall be imprisoned not less than one month nor more than six months, or both.

Contracts of employment—Interference—Fraud

SECTION 1146 (as amended 1924, ch. 160). *Enticing laborers under contract.*—If any person shall willfully interfere with, entice away, or who shall knowingly employ, or who shall in any manner induce a laborer or renter who has contracted with another person for a specified time to leave his employer or the leased premises before the expiration of his contract without the consent of the employer or landlord in writing signed by said landlord or employer under or with whom said laborer had first contracted, he shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition shall be liable to the employer or landlord for all advances made by him to said renter or laborer by virtue of his contract with said renter or laborer and for all damages which he may have sustained by reason thereof. The provisions of this section shall apply to minors under contract made by a parent or guardian.

SEC. 1148. *Contract labor, fraud.*—If any person, with intent to injure or defraud his employer or any person, enters into a contract, in writing duly acknowledged or attested by two witnesses in their own handwriting, for the performance of any act or service which is to be performed within fifteen months from the date of such contract, and thereby obtains money or other personal property from such employer, or other person, and with like intent, and without just cause, and without refunding such money or paying for such property, willfully refuses or fails to perform such act or service, he shall, on conviction, be punished for obtaining property under false pretenses and shall be punished by fine of not more than one hundred dollars or by imprisonment in the county jail for not exceeding six months, or both, in the discretion of the court. And the refusal or failure of any person who enters into such contract, to perform such act or service, or refund such money, or pay for such property, without just cause, shall be prima facie evidence of the intent to injure or defraud his employer or other person; and shall warrant a conviction, in all cases in which the evidence, as a whole, does not create a reasonable doubt of the guilt of the accused. If the employee or other person fails or refuses, upon the demand of the employee or such other person or any authorized representative, to render, within a reasonable time, true itemized accounts of the property and money so obtained from him and of the entire indebtedness claimed, or shall render an account knowingly false as to the items therein, then there shall be no conviction under this section.

Intimidation of employees, etc.

SECTION 1398. *Making threats, etc.*—Any person or persons who shall, by placards, or other writing, or verbally, attempt by threats, direct or implied, of injury to the person or property of another, to intimidate such other person into an abandonment or change of home or employment, shall, upon conviction, be fined not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or in the penitentiary not exceeding five years, as the court, in its discretion may determine.

Liability of railroad companies for injuries to employees

SECTION 1985 (as amended 1912, ch. 215). *Evidence of negligence.*—In all actions against railroad corporations and all other corporations, companies, partnerships and individuals using engines, locomotives, or care [cars] of any kind or description whatsoever, propelled by the dangerous agencies of steam, electricity, gas, gasoline or lever power, and running on tracks, for damages done to persons or property, proof of injury inflicted by the running of the engines, locomotives or cars of any such railroad corporations

or such other corporation, company, partnership or individual shall be prima facie evidence of the warrant of reasonable skill and care of such railroad corporation, or such other corporation, company, partnership or individual in reference to such injury. This section shall also apply to passengers and employees of railroad corporations and of such other corporations, companies, partnerships and individuals.

This act is constitutional. 31 Sup. Ct. 136.

Payment of wages due deceased employees

SECTION 2133 (as amended 1920, ch. 304). *Amount of wages.*—When any person, male or female shall die leaving wages due him [or her] to an amount not exceeding three hundred dollars, it shall be lawful for the debtor after sixty days, to pay said wages to the wife or husband, as the case may be, of said deceased creditor, if he or she leaves a wife or husband, as the case may be surviving him or her; and if he or she shall leave no wife or husband, as the case may be surviving him or her, then to his or her children, if adults; and if he or she shall leave no children and no wife or husband surviving him or her, then to his or her mother, and if [he or she] shall leave no wife or husband or children or mother surviving him or her, then to his or her father; and if he or she shall leave no wife or children or husband or mother or father surviving him or her, then to his or her brothers and sisters, if adults; and if such creditor shall have left no wife, husband, or children nor brothers nor sisters, nor father nor mother surviving him or her, or if any of his or her children surviving him or her shall be minors, or if any of his or her brothers or sisters surviving him or her entitled to inherit shall be minors, then it shall be lawful for said debtor to pay said wages to the chancery clerk of the county in which said creditor resided at the time of his or her death, or of the county where he or she died.

[The following sections 2 and 3 of chapter 304, Acts of 1920, refer to the foregoing section 2133:]

SEC. 2. *Suits.*—After the sixty days referred to in section one of this act have passed the parties hereinbefore designated as being the person to whom the wages so due the deceased creditor may be paid shall have the right, if they be adults, to maintain a suit to recover the amount due the deceased creditor; and when the party or parties entitled to receive said amounts are minors, suit may be brought and maintained for them, by and in the name of the chancery clerk who is entitled to receive same.

SEC. 3. *Exemptions.*—This act shall not apply in cases where the estate of deceased creditors is administered upon.

SEC. 2134. *Distribution.*—[Where the wages are paid to the chancery clerk as above provided, distribution thereof is to be made to adult next of kin, and a report made to the court of the minors entitled to shares, to whom payment is to be made under orders of the court.]

Exemption of wages from garnishment

SECTION 2139. *Amount exempt.*—[Wages due the head of a family, to the amount of $50 per month, are exempt from garnishment or other legal process except for debts or judgments for board or lodging.]

Railroads—Safety regulations

SECTION 4046. *Flying switches.*—It shall not be lawful for any railroad company or other person to switch a railroad car in the manner commonly known as a "flying," "running," "walking," or "kicking" switch, within the limits of a municipality; and, in case of injury resulting to any person or property from switching in violation of this section, the railroad company shall be liable in damages, without regard to mere contributory negligence of the party injured.

This section is constitutional. 72 Miss. 22.
Employees are within its protection, though it will not apply where there is reckless and voluntary exposure to injury. 46 So. 824.

SEC. 4051 (as amended 1916, ch. 228). *Telltales.*—[Railroads whose tracks run under bridges, etc., having a clearance of less than 22 feet, and at least

seven feet above the running board, must provide telltales at not less than 100 nor more than 250 feet therefrom, strings, or ropes to be suspended not less than three inches apart, from a support at least four feet higher than the obstruction, and extending at least one foot lower. Failure entails a penalty of $100 for each month, and liability for the death or injury of any person caused by the bridge or overhanging object, regardless of his contributory negligence.]

Liability of railroad companies for injuries to employees

SECTION 4056 (as amended 1908, ch. 194). *Fellow-servant doctrine abrogated.*—Every employee of a railroad corporation, and all other corporations and individuals, using engines, locomotives or cars of any kind or description whatsoever, propelled by the dangerous agencies of steam, electricity, gas, gasoline or lever power, and running on tracks, shall have the same rights and remedies for an injury suffered by him from the act or omission of such railroad corporation or others, or their employees, as are allowed by law to other persons not employed.

Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances, or of the improper loading of cars, shall not be a defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from an injury to an employee, an action may be brought in the name of the widow of such employee for the death of the husband, or by the husband for the death of his wife, or by a parent for the death of a child, or in the name of a child for the death of an only parent, for such damages as may be suffered by them respectively by reason of such death, the damages to be for the use of such widow, husband, parent or child, except that in case the widow should have children, the damages shall be distributed as personal property of the husband. The legal or personal representatives of the person injured shall have the same rights and remedies as are allowed by law to such representatives of other persons. In every such action the jury may give such damages as shall be fair and just, with reference to the injury resulting from such death to the person suing. Any contract or agreement expressed or implied, made by an employee to waive the benefit of this section shall be null and void; and this section shall not deprive an employee of a person, natural or artificial, or the legal or personal representatives of such person, of any right or remedy they now have by law.

This section is constitutional. 46 So. 360; 31 Sup. Ct. 136.
This section applies to logging and similar roads as well as to common carriers. Easterling Lumber Co. *v.* Pierce, 64 So. 461.
[See also annotations under section 193 of the constitution.]

Accidents on railroads—Reports—Inspection

SECTIONS 4861, 4862. *Who to report.*—[Conductors and engineers must report to the railroad commission by telegraph notice of accidents causing serious personal injury, and the superintendent must write details within five days thereafter. Investigation must be made of every accident causing death or serious bodily injury, and report made thereof.]

SEC. 4870. *Inspection of roads, etc.*—The [railroad] commission, through its several members, shall inspect every railroad whenever it shall deem the same necessary, and it must inspect all the railroads once in each year, and the results must be entered upon the minutes of the commission and embraced in its reports, and must embrace information as to the condition of the roadbed, bridges, trestles, rolling stock, and depots, with such other as the commission may deem proper. Whenever the commission shall find any roadbed, trestle, bridge, tunnel, switch, or any part of a railroad track, or any rolling stock in actual use, in an unsafe condition, it shall direct the railroad company to make the necessary repairs.

SEC. 4871. *Couplers.*—The railroad commission shall recommend to the several railroads the adoption of uniform automatic car couplers; and when any such appliances shall have been required by Congress to be used in interstate commerce, the commission is authorized to require railroads in this State to comply with the requirements, as concerns domestic commerce, within a reasonable time.

Employment of children to support parents in idleness

SECTION 5055. *Who are vagrants.*—The following persons are and shall be punished as vagrants, viz:

* * * * * * *

(*m*) All persons who are able to work and do not work, but hire out their minor children or allow them to be hired out, and live upon their wages.

ACTS OF 1908

CHAPTER 95.—*Railroads—Backing locomotives at night*

SECTION 1. *Lights required.*—It shall be unlawful for any person or corporation owning or operating a railroad as a common carrier of passengers and freight for hire in the State, to require or permit a locomotive engine to be backed on his or its line of railroad, in the nighttime, unless it is provided and equipped with a pilot and headlight on the rear of its tender:

Provided, however, That the provisions of this act shall not apply to railroads whose principal business is hauling logs, nor to locomotive engines running for coal or water, doubling hills, returning from trains when broken in two, going to or returning from trains in the yard limits of terminal stations, nor to engines engaged in regular switching service in yards, or road engines switching at intermediate stations; nor to any locomotive engines in cases of washouts, wrecks, or when going to the assistance of engines so disabled as to block the main track of a railroad.

SEC. 2. *Violations.*—[Violations entail fine, $100 to $1,000. Any person ordering or permitting a violation is punishable by imprisonment, 10 to 30 days.]

SEC. 3. *Liability.*—Any person or corporation operating a railroad in violation of the provisions of this act shall be liable for injury or damage caused to any person by reason thereof, notwithstanding the negligence of the party injured or damaged.

ACTS OF 1910

CHAPTER 135.—*Liability of employers for injuries to employees*

SECTION 1 (as amended 1920, ch. 312). *Comparative negligence.*—In all actions hereafter brought for personal injuries or where such injuries have resulted in death, * * * the fact that the person injured, * * * may have been guilty of contributory negligence shall not bar a recovery, but damages shall be diminished by the jury in proportion to the amount of negligence attributable to the person injured, * * *

SEC. 2. *Questions for jury.*—All questions of negligence and contributory negligence shall be for the jury to determine.

ACTS OF 1912

CHAPTER 94.—*Emigrant agents*

SECTION 1. *License fee.*—Each emigrant or employment agent, or person engaged in hiring laborers, or soliciting emigrants or laborers in this State to go beyond the limits of the State, must pay an annual license of five hundred dollars ($500) in every county in which he operates or solicits emigrants or laborers, which amount must be paid into the State treasury for the use of the State.

SEC. 2. *Acting without license.*—Any person doing the business of emigrant or employment agent without having first obtained a license, as required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine of not less than five hundred dollars ($500) and not more than five thousand dollars ($5,000), or may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than one month nor more than six months, within the discretion of the court.

CHAPTER 136.—*Tips to employees of hotels, railroad companies, etc.*

SECTION 1. *Giving and receiving tips forbidden.*—It shall be unlawful in this State for any hotel, restaurant, café, dining car railroad company or

sleeping car company to knowingly allow any person in its employ to receive any gratuity, commonly known as a "tip," from any patron or passenger; and it shall be unlawful for any patron of any hotel, restaurant, café, dining car or any passenger on any railroad train or sleeping car to give to any employee any such gratuity; and it shall be unlawful for any employee of any hotel, restaurant, café, dining car railroad company or sleeping car company to receive any gratuity or "tip."

SEC. 2. *Definition.*—By gratuity or "tip," as used in this act, is meant any extra compensation of any kind which any hotel, restaurant, café, dining car railroad company, or sleeping car company, or the manager, officer, or any agent thereof in charge of same, allows to be given an employee, or which any person gives to any employee, or which is received by any employee, and is not a part of the regular charge of the hotel, restaurant, café, dining car railroad company or sleeping car company, which is not a part of its regular charge for the thing bought or services rendered, or a part of the service which by contract it is under duty to render. No hotel, restaurant, café, dining car railroad company or sleeping car company shall evade this act by adding to the regular charge, directly or indirectly, anything intended for, or to be used, or to be given away as a gratuity or tip to the employee. All charges made by the hotel, restaurant, café, dining car railroad company or sleeping car company must be made by it and be in good faith a charge for the service which it renders exclusive of the service which it furnishes through its employees.

SEC. 3. *Act to be posted.*—Each hotel shall post a copy of this act in the office and in each room, and each restaurant and café shall post at least two copies of this act in two conspicuous places in same, and each dining car railroad or sleeping car company doing business within this State, shall post two copies of this act in conspicuous places in each passenger coach or sleeping car.

SEC. 4. *Violations.*—[Violations by hotels, etc., are punishable by fine not to exceed $100; persons giving tips, by fine not exceeding $50; employees accepting tips, not more than $50. Failure to post act entails fine not exceeding $100.]

CHAPTER 148.—*Protection of employees on street railways—Inclosed vestibules*

SECTION 1. *What cars to have vestibules.*—Street car companies operating street cars by electricity, or by any other motive power requiring operator to be on the front of the car, and outside the main body thereof, in municipalities having a population of not less than five thousand by the Federal Census of 1910, or by any subsequent Federal census, shall equip all cars with complete vestibules and provide some means of heating same, so as to thoroughly protect employees from cold and inclement weather.

Provided, That this act shall not apply to cars operated from the 15th of March to the 1st of November in each year.

SEC. 2. *Violations.*—[Violations entail a fine, $50 to $500.]

CHAPTER 152.—*Railroads—Shelters over repair tracks*

SECTION 1. *Commission may require shelters.*—[The] State railroad commission is hereby empowered whenever or wherever it shall deem in its judgment necessary for the protection and comfort of all employees of all railroads and other persons or corporations engaged in like business, to require all such railroads and other persons or corporations engaged in like business to provide and maintain a shed or sheds with watertight roofs over all tracks or parts of tracks on which cars are commonly or regularly placed or stored to be repaired, where said companies or persons shall have repair tracks for that purpose, and to provide such drainage of the grounds on which such tracks may be maintained as will keep the same dry and sanitary.

SEC. 2. *Orders.*—Said State railroad commission may make all proper orders to enforce the provisions of this act and exact compliance therewith.

CHAPTER 157.—*Hours of labor in manufacturing establishments*

SECTION 1 (as amended 1916, ch. 239). *Ten-hour day.*—It shall be unlawful for any person, firm or corporation engaged in manufacturing or repairing, to work their employees more than ten hours per day, except in cases of emergency, or where the public necessity requires in such departments: *Provided*,

That persons may work not more than thirty minutes additional each day for the first five days of the week, the additional time so worked to be deducted from the last day of the week: *Provided*, That persons who work at nightwork only, may work eleven and one-quarter hours for the first five nights of the week, beginning with Monday night, and three and three-quarter hours Saturday night, but sixty hours shall constitute a full week's work under the provision[s] of this act.

Nothing in this act shall apply to railroads or their employees or to public service corporations.

SEC. 2. *Violations.*—[Violations are punishable by fines, $10 to $50, each day's violation constituting a separate offense.]

This act is constitutional. 59 So. 923.

An establishment having an organized force of workers employed in working up raw material is within the act. This includes sawmills. 60 So. 215.

And a cottonseed-oil mill. 60 So. 775.

Whether or not a particular laborer is engaged in manufacturing is a question of fact. 60 So. 215.

If a workman is required to be on duty for more than ten hours, even though not actively employed for the entire period, the law has been violated. 60 So. 775.

ACTS OF 1914

CHAPTER 138.—*Payment of wages—Discounting checks, etc.*

SECTION 1. *Discounting prohibited.*—Every person, company, association, partnership, manufacturing company or railroad company now existing or hereafter organized in this State, engaged in employing labor for manufacturing purposes, or any railroad within this State shall be prohibited from discounting any trade check, coupons or other written instrument issued for the payment of such labor, and it shall be unlawful for any person, partnership, corporation or trade establishment purchasing said trade checks, coupons, or other instruments issued for the payment of such labor to discount the same, and any person, partnership, corporation, trade establishment purchasing the same at a discount, or any company, corporation, railroad, or other person issuing said checks, coupons or other written instruments, and who shall discount the same in settlement with the employees shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars, and not more than fifty dollars for each offense.

SEC. 2. *Scrip to be redeemed.*—All persons, firms, corporations engaged in manufacturing, issuing trade checks, coupons or other instruments of writing in payment for labor, shall on or after the regular pay day cash said check, or checks, so issued at their face value less any amount that may be due by the party to whom issued, and any such person, firm, corporation so engaged in manufacturing, failing to settle such claim as herein required, shall be liable to pay to the holder thereof twenty-five per cent on the face of said check as damages in the event any suit or action shall be brought to enforce the payment thereof: *Provided*, That this section shall only apply when the amount claimed is one hundred dollars or less.

CHAPTER 152.—*Bonds of employees of common carriers*

SECTION 1. *Freedom to choose company.*—No common carrier, authorized to do business in this State, when requiring of an employee that he give it a bond or undertaking of any nature whatever, shall require such employee to have such bond or undertaking executed as surety by any particular company, corporation, association, or firm, or by any one or more of any number of such companies, corporations, associations, or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

SEC. 2. *Nonresident sureties.*—[No nonresident surety may be demanded; nor may such surety be accepted unless there is a designated resident agent on whom process can be served.]

SEC. 3. *Term; cancellation.*—[Bonds must be for specific terms, and may be cancelled only on breach of a condition, after notice setting ont the reasons for such cancellation.]

SEC. 4. *Violations.*—[Violations subject offender to a fine, $100, to $1,000, and imprisonment 30 days to 1 year.]

CHAPTER 156.—*Liability of employers for injuries to employees—Assumption of risks*

SECTION 1. *Risk of negligence not assumed.*—In all actions for personal injury to an employee, and in all actions where such injury results in death, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death results in whole or in part from the negligence of the master; except as to conductors, or locomotive engineers, in charge of dangerous or unsafe cars or engines voluntarily operated by them.

CHAPTER 163.—*Inspector of factories*

SECTION 1. *Appointment.*—[The] State board of health shall appoint and may remove for cause a special inspector who shall have the title of factory inspector and who shall be a person having competent knowledge of factories and capable of performing the duties prescribed below. Such inspector shall execute bond in the penalty of three thousand ($3,000) dollars, payable to the State, for the faithful performance of his or her duties.

SEC. 2. *Salary.*—The said State factory inspector shall receive an annual salary of fifteen hundred ($1,500) dollars, payable monthly. The salary and the reasonable and necessary traveling and other expenses of the said State factory inspector, while engaged in the performance of his or her duties, shall be paid by the secretary of the State board of health upon vouchers approved by the governor.

SEC. 3. *Duties.*—It shall be the duty of the factory inspector to inspect all factories and canneries where women and children are employed at least three times each year. Such inspector shall collect evidence of violations of the laws of the State relating to the employment of women and children, and furnish such information to the county or district attorney in the county in which said violation occurred. Such inspector shall report annually, under the direction of the secretary of the State board of health, the number of women and children employed in the different cotton and knitting mills and canneries in the State, and the number of violations found and disposition of each.

SEC. 4. *Reports.*—Said inspector shall report annually to the secretary of State board of health the number of industrial establishments in this State which it is made his duty to inspect, the number of employees, the number of inspections made, the number of violations found, and the disposition of each, and such other information as may be deemed valuable and necessary, and shall enforce the laws of the State in factories and other establishments where women and children are employed.

SEC. 5. *Offenses of managers, etc.*—Any officer, manager, or other agent of any factory, or cannery subject to the provisions of this act who shall fail or refuse to give true and cor[r]ect information demanded of him by the State factory inspector, or who shall attempt to prevent the factory inspector from entering such establishment in the regular performance of the duties of such inspector, shall be guilty of a misdemeanor and upon conviction be fined not less than ten dollars nor more than one hundred dollars.

SEC. 6. *Registers.*—It shall be the duty of the State factory inspector to register each year each manufacturing establishment in the State employing more than five persons, and to collect the registration or license fee herein required, and to report by the fifth day of each month to the State board of health all such registrations and the fees collected therefor during the month previous, and to turn into the treasury of the State board of health at such time as such report is made all moneys collected by such inspector for registration of factories during such time.

SEC. 7 (as amended 1916, ch. 95). *Fees; inquiries.*—Every person, firm, or corporation, except woodworking establishments, and canning factories canning farm produce, employing more than five persons in the conduct of any mill, factory, manufacturing establishment, or cannery within this State where women or children are employed, shall register such establishment with the State factory inspector each year and pay an annual fee for such registration, according to the following schedule:

Those employing 5 to 10 persons	$10
Those employing 11 to 25 persons	20
Those employing 26 to 50 persons	40
Those employing 51 to 100 persons	60
Those employing 101 to 200 persons	100
Those employing 201 to 300 persons	150
Those employing over 300 persons	200

Persons, firms or corporations engaged in any business subject to the provisions of this act where the number of employees varies from time to time shall report the average number employed during the regular or busy season of their work and shall pay the fee on the basis provided for in this section.

The license year shall begin July first each year and end June thirtieth the following year, and within thirty days after the beginning of the license year the State factory inspector shall submit to each person, firm or corporation subject to the provisions of this section, a blank upon which such person, firm or corporation shall report to the State factory inspector the following information and such other facts as may be required by the State factory inspector:

1. Officers.
2. Character and location of business.
3. Number of persons employed, male and female, and children.
4. Number of work hours per week.
5. Description of buildings and equipment, number of floors, elevators, boilers and fire escapes.

Any person, firm or corporation failing or refusing to comply with any of the provisions of this section by October first each year, or within sixty days after having been notified to do so by the State factory inspector, or the secretary of the State board of health, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of twenty-five dollars ($25).

CHAPTER 164 (as amended 1924, ch. 314).—*Employment of children*

SECTION 1. *Age limit.*—[No child under 14 may be employed or permitted to work in any mill, cannery (but see sec. 9), workshop, factory, or manufacturing establishment.]

SEC. 2. *Work time.*—[No child under 16 may work in the above classes of establishments more than 8 hours per day or 44 per week, nor between 7 p. m. and 6 a. m.; but this does not affect the 10-hour law for other employees (ch. 157, Acts of 1912, as amended).]

SEC. 3. *Affidavit of age.*—[Employers under this act must secure from parents or guardians affidavits as to age and schooling of children under 16.]

SECS. 4–6. *Enforcement.*—[County sheriffs are to inspect places of employment to see that the foregoing provisions are observed; county health officers are charged with the duty of inspecting at least twice a year as to sanitary conditions, the presence of infectious or contagious diseases, or the employment of children incapacitated for work; and county judges must charge grand juries to investigate violations.]

SECS. 7, 8. *Violations.*—[Failure to give information or obey orders is punishable by fines, and violating the employment provisions of the act by fines or imprisonment.]

SEC. 9. *Exemption.*—[Fruit and vegetable canneries are exempt from the provisions of this act.]

CHAPTER 165.—*Hours of labor of women*

SECTION 1. *Ten-hour day.*—It shall be unlawful for any person, firm or corporation to work any female or girl in any laundry, millinery, dressmaking store, office, mercantile establishment, theater, telegraph or telephone office or any other occupation not here enumerated, to work such female labor or girl more than ten (10) hours per day or more than 60 hours per week except in case of emergency or where public necessity requires such.

SEC. 2. *Violations.*—[Violations incur penalty of fine, $10 to $50, or imprisonment 5 to 30 days, or both. Each day's violation constitutes separate offense.]

SEC. 3. *Construction.*—This act shall not be construed * * * to apply to domestic servants.

CHAPTER 166.—*Payment of wages—Semimonthly pay day*

SECTION 1 (as amended 1916, ch. 241). *Application of law.*—Every corporation, company, association, partnership, and individual person engaged in manufacturing of any kind in this State, employing as many as fifty or more employees, and employing public labor, and every public service corporation doing business in this State shall be required to make full payment to employees for services performed as often as once every two weeks or twice during each calendar month, or on the second and fourth Saturday, respectively, of each

month, and such payment or settlement shall include all amounts due for labor or services performed up to not more than ten days previous to the time of payment, except that public service corporations shall not be required to make payment for labor or services performed up to more than fifteen days prior to the time of payment.

SEC. 2 *Violations.*—[Violations are punishable by fines, $25 to $250, each day's violation against each employee being a separate offense.]

ACTS OF 1916

CHAPTER 91.—*Boarding or commissary cars—Taxation*

SECTION 1. *Business to be taxed.*—The business of operating or maintaining grab cars, boarding cars or commissaries in box cars of two or more outfits when contracted for by an individual, or corporation furnishing or supplying employees or others with goods and merchandise, from or in said cars or outfits, in payment of wages or otherwise, shall pay a privilege tax of one hundred dollars for each county that has a city, town or village of ten thousand or more inhabitants; and for each county that has a city, town or village with a population of less than ten thousand but more than five thousand, the sum of fifty dollars; and for each county, with a city, town, or village of less than five thousand the sum of ten dollars, in which such cars may be operated or maintained.

SEC. 2. *License.*—In all cases the license shall contain the name of the person, firm or corporation to whom the license is issued, and the license shall not be valid for any person, firm or corporation not named therein: *Provided*, This act shall not apply to any railroad operating its own grab car or commissary car or cars from which merchandise is sold to its employees only.

ACTS OF 1924

CHAPTER 283.—*Factory, etc., regulations—Door to open outwards*

SECTION 305. *Doors to open outwardly.*—All the doors for ingress and egress to * * * factories with more than twenty employees * * * shall be so swung as to open outwardly from the * * * workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly.

MISSOURI

REVISED STATUTES—1919

Wages preferred—In administration

SECTION 181. *Rank.*—[Wage debts rank with expenses of last sickness after funeral expenses.]

Exemption of wages—Suits—Preferences

SECTION 1614. *Amount exempt.*—[Salaries and wages of the head of a family, except ten per cent therof, are exempt from execution.]

SEC. 1618. *Wage debts.*—[No property is exempt from seizure under execution for personal services of blacksmiths, house servants or common laborers, not exceeding $90 in amount.]

SEC. 1619. *Preference in receiverships, etc.*—[Wage debts owing to laborers or servants, not exceeding $100 in amount, earned within 6 months preceding the seizure of the debtor's property, are to be paid first in full in cases of suspension of business by action of creditors, or of receiverships, after paying costs.]

SEC. 1743. *When wages may be attached.*—[Property and wages exempt by law may not be attached except in the case of nonresident defendants or defendants leaving the State.]

SEC. 1848. *Garnishment.*—[Employers can not be charged as garnishees for more than ten per cent of the earnings of an employee during the 30 days preceding, if the employee is the head of a family and a resident of the State.]

SECS. 1860, 1861. *Railroad employees.*—[No garnishment will issue against a railroad company on account of a wage debt of $200 or less due an employee until after judgment, nor need the company answer interrogatories before the recovery of final judgment. This does not apply where the debt or claim sued for was contracted or accrned within the State, and the creditor is also a resident.]

SEC. 1874. *Service.*—[Wages may not be attached or garnished except after personal service on the defendant, unless the suit is bronght in the county (or city of over 100,000 inhabitants) in which the defendant resides or the debt was contracted.]

SEC. 1875. *Other States.*—[Wages earned and payable outside the State are exempt where the cause of action arose outside the State unless the defendant is personally served with process.]

Assignments of wages

SECTION 2171. *Requisites.*—All assignments of wages, salaries, or earnings must be in writing, with the correct date of the assignment and the amount assigned and the name or names of the party or parties owing the wages, salaries, and earnings so assigned; and all assignments of wages, salaries, and earnings, not earned at the time the assignment is made, shall be null and void.

Intimidation of employees—Blacklisting, etc.

SECTION 3493. *Interference with employment.*—Every person who shall, by force, menace or threats of violence to the person or property of another, compel or attempt to compel any person to abandon any lawfnl occupation or employment for any length of time, or prevent or attempt to prevent any person from accepting or entering upon any lawful employment, shall, upon conviction, be punished by imprisonment in the county jail not less than six months, or by a fine of not less than one hundred dollars, or by both such fine and imprisonment. Every person who shall, by threats of violence to the person or property of another, compel or attempt to compel any person to abandon any lawfnl occupation or employment for any length of time, or prevent any person from accepting or entering upon any lawful employment, shall be deemed gnilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than fifty dollars, or imprisonment in the county jail not less than three months, or by both such fine and imprisonment.

SEC. 3504. *Falsely reporting railway employees.*—Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, falsely report to any railroad, or any other company or corporation, or to any corporation, individual or individuals, or to any of the officers, servants, agents, or employees of any such corporation, individual or individuals, that any conductor, brakeman, engineer, fireman, station agent, or other employees of any such railroad company, corporation, or individual, have received any money for the transportation of persons or property, or shall falsely report by any of the means aforesaid, that any such conductor, station agent, or other employee of any railroad company, persons, or corporation neglected, failed, or refused to collect any proper charges for the transportation of persons or property, when it was their duty to do so, shall, on conviction, be adjudged guilty of a misdemeanor.

SEC. 3505. *Sending, making, etc., blacklists.*—Every person who shall, in this State, send or deliver, or shall make or cause to be made, for the purpose of being delivered or sent, or shall part with the possession of any paper, letter, or writing, with or without a name signed thereto, or signed with a fictitious name, or with any letter, mark or other designation, or shall publish or cause to be published any false statement for the purpose of preventing such other person from obtaining employment in this State or elsewhere, and every person who shall "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing, publishing, or causing the same to be done, the name or any mark or designation representing the name of any person in any paper, pamphlet, circular or book, together with any false statement concerning said persons so named, or shall publish that anyone is a member of any secret organization, for the purpose of preventing such other person from securing employment, or any person who shall do any of the things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation, individuals or individual, shall, on conviction, be adjudged guilty of a misdemeanor and punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail, or by both such fine and imprisonment.

Employment of children in certain occupations forbidden

SECTION 3527. *Dangerous, etc., employments.*—[The employment of children under 16 is forbidden in designated employments classed as dangerous, including the use of power machinery except for agricultural and domestic purposes. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 3528. *Messengers.*—[No girl under 18 may be employed to carry telegrams or in messenger service.]

SEC. 3529. *Enforcement.*—[The State factory inspector and school officials are to enforce the provisions of the foregoing sections.]

SEC. 3530. *Violations.*—[Violations are misdemeanors.]

SEC. 3531. *Age limit.*—[No child under 14 may be employed in any manufacturing or mechanical establishment where mechanical power is used, or where the work would, in the opinion of two reputable physicians, be dangerous to health.]

SEC. 3532. *Violations.*—[Violations of the above section entail a fine, $10 to $100, or imprisonment 2 to 10 days, or both; but extreme poverty of the parent or caretaker is a good defense.]

Protection of employees on street railways

SECTION 3677. *Platforms to be inclosed, when.*—Every electric street car, other than trail cars, which are attached to motor cars, shall be provided during the months of November, December, January, February and March of each year, at the front end, with a screen composed of glass or other material which shall fully and completely protect the driver, motorman, gripman or other person stationed on such front end and guiding or directing said car from wind and the storm.

SEC. 3678. *Violations.*—[Violations are punishable by fine, $25 to $100.]

This act is constitutional. 60 S. W. 1068.

Liability of employers for injuries to employees

SECTION 4217. *When employer liable for death.*—Whenever any person, including any employee of the corporation, individual or individuals hereinafter referred to whose death is caused by the negligence of a coemployee thereof,

shall die from any injury resulting or occasioned by the negligence, unskillfulness or criminal intent of any officer, agent, servant or employee, whilst running, conducting or managing any locomotive, car or train of cars, or any street electric or terminal car or train of cars, or of any master, pilot, engineer, agent or employee whilst running, conducting or managing any steamboat, or any of the machinery thereof, or of any driver of any stage coach, automobile, motor car or other public conveyance whilst in charge of the same as a driver; * * * the corporation, individual or individuals in whose employ any such officer, agent, servant, employee, master, pilot, engineer or driver shall be at the time such injury is committed, or who owns, operates or conducts any such railroad, locomotive, car, street car, electric car, terminal car, automobile, motor car, stage coach or other public conveyance at the time any injury is received resulting from or occasioned by any defect or insufficiency, unskillfulness, negligence, or criminal intent above declared, or any such officer, agent, servant, employee, master, pilot, engineer or driver, whose negligence, unskillfulness, or criminal intent shall cause such injury, shall forfeit and pay as a penalty, for every such person, employee or passenger so dying, the sum of not less than two thousand dollars, and not exceeding ten thousand dollars, in the discretion of the jury, * * * and such corporation, individual or individuals or such officer, servant, agent, employee, master, pilot, engineer, or driver, may show as a defense that such death was caused by the negligence of the deceased. In suits instituted under this section, it shall be competent for the defendant, for his defense, to show the defect or insufficiency named in this section was not a negligent defect or insufficiency, and that the injury received was not the result of unskillfulness, negligence or criminal intent. Every person who shall have cause of action for any death through the negligence, unskillfulness, or criminal intent of any servant, under the provisions of this section, may at his option, bring suit thereon jointly against the master and servant, or severally, against either master or servant.

SEC. 4226. *Negligence of fellow servants.*—Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any agent or servant thereof while engaged in the work of operating such railroad by reason of the negligence of any other agent or servant thereof: *Provided*, That it may be shown in defense that the person injured was guilty of negligence contributing as a proximate cause to produce the injury.

This section is constitutional. 24 Sup. Ct. 857.

SEC. 4227. *Vice principals defined.*—All persons engaged in the service of any such railroad corporation doing business in this State, who are intrusted by such corporation with the authority of superintendence, control or command of other persons in the employ or service of such corporation, or with the authority to direct any other servant in the performance of any duty of such servant, or with the duty of inspection or other duty owing by the master to the servant, are vice principals of such corporation, and are not fellow servants with such employees.

SEC. 4228. *Fellow servants defined.*—All persons who are engaged in the common service of such railroad corporation, and who while so engaged, are working together at the same time and place, to a common purpose of same grade, neither of such persons being intrusted by such corporation with any superintendence or control over their fellow-employees, are fellow servants with each other: *Provided*, That nothing herein contained shall be so construed as to make any agent or servant of such corporation in the service of such corporation a fellow servant with any other agent or servant of such corporation engaged in any other department or service of such corporation.

SEC. 4229. *Contracts limiting liability.*—No contract made between any railroad corporation and any of its agents or servants, based upon the contingency of the injury or death of any agent or servant, limiting the liability of such railroad corporation for any damages under the provisions of sections 4226 to 4229, inclusive, shall be valid or binding, but all such contracts or agreements shall be null and void.

This act is constitutional. It applies to receivers in charge of roads as well as to companies. 63 S. W. 485.

Laborers engaged in the handling of baggage at a railway station are engaged in the operation of the road within the meaning of this act, railroads being required by statute to transport the baggage of travelers on their passenger trains. 111 S. W. 841.

Section hands engaged in the repair, etc., of tracks, are engaged in the work of operating a railroad within the meaning of this statute. 71 S. W. 208.

Sections 4226 to 4229 apply only to employees. Widows, etc., of deceased employees must look to the provisions of section 4217 for redress. 109 S. W. 769.

SEC. 4230. *Waivers by blind persons.*—It shall hereafter be lawful for any blind person over the age of 18 years, to agree to and with his or her employer to waive his or her right to damages or compensation for any personal injury arising out of or in the course of his or her employment for which injury such blindness was the direct or contributory cause and any such agreement shall be valid and binding upon the parties thereto.

SEC. 4231. *What actions survive.*—Causes of action upon which suit has been or may hereafter be brought by the injured party for personal injuries, other than those resulting in death, whether such injuries be to the health or to the person of the injured party, shall not abate by reason of his death, nor by reason of the death of the person against whom such cause of action shall have accrued; but in case of the death of either or both such parties, such cause of action shall survive to the personal representative of such injured party, and against the person, receiver or corporation liable for such injuries and his legal representatives, and the liability and the measure of damages shall be the same as if such death or deaths had not occurred.

SEC. 4232. *Scope of law.*—Whenever the words "railroad companies" or "railroad corporation" shall be found in any section of this article, it shall be taken and construed to include all companies, corporations, person or persons operating any railroad in this State, and wherever the word "railroad" occurs in any section in this article it shall be taken and construed to include all railroads operated in this State by whatever motive or power propelled, and shall include all railroads or railways, commonly known as street railways, and all railroads operated by terminal companies or associations, known as "terminal railroads" or "railways," as well as all railways or railroads operated anywhere in the State, commonly known as electric railroads, whether they be wholly or in part in the city or country district; also all railroads within the country or city operated by what is commonly known as cable or motor power, or by horsepower.

SEC. 4233. *Acts of fellow servants.*—Every person, company or corporation operating a mine or mines in this State producing lead, zinc, coal or other valuable minerals, shall be liable for all damages sustained by any agent or servant thereof while engaged in operating such mine or mines, by reason of the negligence of any other agent or servant thereof: *Provided*, That it may be shown in defense that the person injured was guilty of negligence contributing as a proximate cause to produce the injury.

SEC. 4234. *Vice principals.*—All persons engaged in the service of any such person, company or corporation doing business in this State, who are intrusted by such person, company or corporation with the authority of superintendence, control or command of other persons in the employ or service of such person, company or corporation, or with authority to direct any other servant in the performance of any duty of such servant, or with the duty of inspection or other duty owing by the master to the servant, are vice-principals of such person, company or corporation, and are not fellow servants with such employees.

SEC. 4235. *Fellow servants.*—All persons who are engaged in the common service of such person, company or corporation operating a mine or mines, and while so engaged are working together at the same time and place to a common purpose of the same grade, neither of such persons being intrusted by such person, company or corporation with any superintendence or control over their fellow employees, are fellow servants with each other.

SEC. 4236. *Contracts limiting liability.*—No contracts made between any person, company or corporation so operating such mine or mines and their agents or servants, based upon the contingency of the injury or death to any such agent or servant, limiting the liability of the employer for any damages under the provisions of this and the three next preceding sections, shall be valid or binding, but all such contracts or agreements shall be null and void.

SEC. 4237. *Application of law.*—Nothing in the four next preceding sections shall be so construed as applying to or including the operation, construction or repairing of concentrating mills, flumes or tramways wholly above ground.

The provisions of sections 4233–4237 are constitutional, and the exclusion of work wholly above ground is a valid classification. 147 S. W. 1042.

SEC. 4238. *What actions survive.*—Whenever any cause of action shall accrue to any agent or servant of any person, company or corporation under sections 4233 to 4237, inclusive, and death shall ensue to such agent or servant by

reason of the negligence provided for in said sections, the cause of action shall survive in favor of the widow and minor children of the deceased: *Provided*, That action therefor shall be brought by the widow within six months after such death, and if she shall fail to bring such action, then within twelve months after such death by such minor children; *And provided further*, That recovery in case of such death shall not exceed the sum of ten thousand dollars.

Protection of employees as voters

SECTION 5027. *Attempting to influence vote.*—It shall not be lawful for any corporation organized and doing business under and by virtue of the laws of this State, to directly or indirectly, by or through any of its officers or agents, or by or through any person or persons for them, influence or attempt to influence the result of any election to be held in this State, or procure or endeavor to procure the election of any person to a public office * * * by discharging or threatening to discharge any employee of such corporation for reason of the political opinions of such employee, or to use or offer to use any power, effort, influence or other means whatsoever, to induce or persuade any employee or other person entitled to register before or vote at any election, to vote or refrain from voting for any candidate, or on any question to be determined or at issue at any election. Any violation of the provisions of this section by a corporation shall be deemed and held as a forfeiture of its charter or franchise, as granted or derived from the State, as for willful misuser thereof, and such corporation shall be enjoined from transacting any business in this State; and such forfeiture or injunction may be adjudged by any circuit court of any county in which such corporation is located, in a suit instituted for that purpose, in the name of the State of Missouri, by the prosecuting attorney of any county, and in the city of St. Louis by the circuit attorney or by the attorney-general.

SEC. 5028. *Same subject.*—Every officer or agent of any railroad or other corporation, company or association, and every individual conducting or carrying on any business in this State and having under his control or supervision, or in his employ any servants, agents or other employees entitled to vote at any election in this State, who shall either directly or indirectly, or by or through any person or persons for him, discharge or offer or attempt to discharge from any employment, service or position, any such employee for reason of the political opinions or belief of any such employee, or who shall coerce or attempt to coerce, intimidate or bribe any employee, or who shall, by or through any unjust, corrupt or unlawful means, procure or attempt to procure or influence any employee entitled to register before or vote at any election, to vote or refrain from voting for any candidate for any public office at any election, or on any question to be determined or at issue in any election held in this State, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Bureau of labor statistics

SECTION 6737. *Bureau established.*—There is hereby established a separate and distinct department in this State, to be known as the "Bureau of Labor Statistics."

SEC. 6738. *Object of bureau.*—The object of this department shall be to collect, assort, systematize and present in annual report to the governor, to be by him transmitted biennially to the general assembly, statistical details and information relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational, and sanitary condition of the laboring classes and to the permanent prosperity of the productive industries of the State.

SEC. 6739. *Commissioner.*—The governor shall, with the advice and consent of the senate, appoint, immediately after this article goes into effect, and every four years thereafter, some suitable person to perform the duties herein required, who shall be known as commissioner of labor statistics, and who shall keep an office in such place as may be designated by the governor.

SEC. 6740. *Reports.*—The commissioner shall, annually, on or before the 5th day of November, present a report in writing to the governor, which shall contain statistical details relating to all departments of labor in the State, together with such other information as is contemplated by section 6738.

SEC. 6741. *Witnesses.*—The commissioner shall have power to administer oaths or affirmations, to examine witnesses, and to take and preserve evidence; and it shall be the duty of all State, county, and municipal officers to furnish to said commissioner, upon his request, all statistical information in reference to labor which may be in their possession as such officers.

SEC. 6742. *Printing.*—The commissioner of labor statistics shall be authorized to have printed not to exceed three thousand copies of his annual report for general distribution, and all printing, binding, bulletins, blanks, stationery, or map work shall be done under any contract which the State now has or shall have, and the expense thereof shall be audited and paid for in the same manner as for similar work for the State out of the appropriation for the purchase of material, printing, and publishing documents for the State.

SEC. 6743 (as amended 1921, p. 3). *Access to factories, etc.*—Any owner, operator, manager, or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop, or other manufacturing establishment, or any other employer of labor, or any agent or employee of such owner, operator, manager, or lessee, who shall refuse to said commissioner, when requested by him, any statistical or other information relative to his duties which may be in their possession or under their control, shall, for every such neglect or refusal, be deemed guilty of a misdemeanor, and shall, on conviction, be fined in a sum not less than twenty-five nor more than one hundred dollars.

SEC. 6744. *Salary.*—The commissioner of labor statistics shall receive an annual salary of three thousand five hundred dollars, payable monthly, and said commissioner is hereby authorized to employ such assistance and incur such expense as may be necessary to carry out the provisions of this article, such expense to be paid on the vouchers presented by the commissioner: *Provided, however*, That said expenses shall not exceed, in any one year, the amount appropriated therefor; said commissioner shall before entering upon the duties of his office execute a bond to the State of Missouri, in the sum of twenty thousand dollars, with two or more good and sufficient sureties, conditioned upon the faithful, honest, and impartial performance of his duties under this article, which bond shall be approved by the State auditor and filed in his office. Said commissioner shall include in his annual report to the governor an itemized statement of the expenses of the bureau incurred by him.

SEC. 6745. *Duty of commissioner.*—The commissioner of labor statistics is hereby directed to collect any information he may deem necessary to carry out the objects of the bureau as set forth in section 6738, and is hereby authorized to furnish suitable blanks to managers of public-service corporations, county, city, and township officers, and to the officers of prisons, penal and reformatory institutions, and it shall be the duty of all such managers and officers to furnish such information as the commissioner may require and which may be in their possession with the least possible delay.

SEC. 6746. *Duty of owners of factories, etc.*—It shall be the duty of every owner, operator, or lessee of any factory, foundry, or machine shop, or other manufacturing establishment doing business within this State to report annually, on or before the first day of March, to the commissioner of the bureau of labor statistics the name of firm or corporation and the number of members, male and female, constituting the same; where located; capital invested in grounds, building, and machinery; class and value of goods manufactured; aggregate value of raw material used; total number of days in operation; amount paid yearly for rent, tax, and insurance; total amount paid in wages; total number of employees, male and female; number engaged in clerical and manual labor, with detailed classification of the number and sex of employees engaged in each class, and average daily wages paid to each.

SEC. 6747. *Blanks, etc.*—The commissioner of the bureau of labor statistics is hereby authorized to furnish suitable blanks to the owner, operator, manager, or lessee of any factory, workshop, elevator, foundry, machine shop, or any other manufacturing establishment, to enable said owner, operator, manager, or lessee to intelligently comply with the provisions of section 6746 of this article; and any such owner, operator, manager, or lessee who shall neglect or refuse to comply with the provisions of this article, or who shall untruthfully answer any question or questions put to him by the commissioner of labor, in a circular or otherwise, in furtherance of the provisions of sections 6745 and 6746, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than two hundred dollars.

Free public employment offices

SECTION 6748. *Free public offices to be established.*—The commissioner of labor statistics shall organize and establish in all cities in Missouri, now containing or which may contain hereafter, according to the last preceding national census, seventy-five thousand inhabitants or more, a free public employment bureau for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. No compensation or fee shall be charged or received, directly or indirectly, for persons applying for employment through any such bureau. Such commissioner shall appoint for each bureau one superintendent and may appoint for each one clerk, and may remove the same for good and sufficient cause. The salary of the superintendents shall not exceed one hundred dollars per month, and the salary of the clerks shall not exceed seventy-five dollars per month. Such salaries and expenses of such bureaus shall be paid in the same manner as other expenses of the bureau of labor statistics.

SEC. 6749. *Duties.*—The superintendent of each free public employment bureau shall receive and record, in a book to be kept for that purpose, the names of all persons applying for employment or for help, designating opposite the name and address of each applicant the character of employment or help desired. Such superintendent shall also perform such other duties in the collection of labor statistics and in keeping of books and accounts of his bureau as the commissioner may require, and shall report monthly to the commissioner of labor statistics the expenses of maintaining his bureau.

SEC. 6750. *Applicants.*—Every application for employment or help made to a free employment bureau shall be void after thirty days from its receipt, unless renewed by the applicant. If an applicant for help has secured the same, he shall, within ten days thereafter, notify the superintendent of the bureau to which application was therefor made. Such notice shall contain the name and last preceding address of the employees received through such bureau. If any such applicant neglects to notify such superintendent he shall be barred from all future rights and privileges of such employment bureau, at the discretion of the commissioner of labor statistics, to whom the superintendent shall report such neglect.

Private employment offices

SECTION 6751. *Licenses; fees.*—[No employment office where a fee is charged for service may be kept without a license from the State commissioner of labor statistics. An annual fee of $25 is required in cities of less than 50,000 population, and $50 in larger cities. A bond in the amount of $500, conditioned on compliance with the law, is required of license holders, on which the commissioner may bring action; he may also revoke licenses for violations, after hearing. The license and a copy of the act must be posted conspicuously.

A register of applicants for help or servants must be kept, giving names and addresses and the nature of the employment, such register to be open to official inspection. The fee for registering applications for help or for employment shall not exceed $1, for which a receipt must be given, showing the amount, name, date and nature of work to be done or situation to be procured. If no situation is procured within one month, the fee must, on demand, be returned in full. Publishing false notices, giving false information or making false entries is forbidden.]

SEC. 6752. *Enforcement.*—[It is the duty of the commissioner of labor statistics to enforce this act. Violations are punishable by a fine of not less than $50 nor more than $100, or imprisonment not over six months, or both.]

SEC. 6754. *Exemptions.*—[Free public employment bureaus, and agencies maintained by charitable organizations are not within the foregoing provisions.]

SEC. 6755. *Prohibited acts.*—[Deception, the sending of females to places of immoral resort, or failure to secure employment within 3 days and to return the fee after demand subjects to a fine of $100 to $1,000 or imprisonment not less than 60 days nor more than one year, or both.]

Arbitration and mediation of labor disputes—State board

SECTION 6756. *Appointment of board.*— * * * , the governor of the State, by and with the advice and consent of the senate, shall appoint three competent persons to serve as a State board of mediation and arbitration;

one of whom shall be an employer of labor, or selected from some association representing employers of labor, and one who shall be an employee holding membership in some bona fide trade or labor union; the third shall be some person who is neither an employee nor an employer of labor. One member of said board shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner herein provided. If a vacancy occurs in said board by death or otherwise, at any time, the governor shall appoint some competent person to fill the unexpired term.

Sec. 6757. *Secretary.*—The board shall appoint a secretary, who shall hold office during the pleasure of said board, and whose duty it shall be to keep a full and faithful record of the proceedings of the board, and shall also have possession of all books and documents, and shall perform such other duties as the board may prescribe. He shall, under the direction of the board, issue subpœnas and administer oaths in all cases before the board, and shall call for and examine books, papers and documents of any parties to the controversy.

Sec. 6758. *Compensation.*—The compensation of the members of the board of mediation and arbitration, and the clerk thereof shall be as follows: Each shall receive five dollars per day and three cents per mile, both ways, between their homes and the place of meeting, by the nearest comfortable routes of travel, and such other necessary traveling expenses as may be incurred in the discharge of their duties to be paid out of the State treasury upon a warrant signed by the president of said board and approved by the governor: *Provided*, That neither said board nor the clerk thereof shall receive any compensation except for time actually engaged in the discharge of their duties as set forth in this article and in going to and from the place of meeting.

Sec. 6759. *Organization.*—Each member of said board shall, before entering upon the duties of his office, be sworn to support the constitution and faithfully demean himself in office. They shall organize at once by the choice of one of their number as chairman, and the board shall, as soon as possible, after its organization, establish suitable rules of procedure. Said board may hold meetings at any time or place in the State, whenever the same shall become necessary, and two members of the board shall constitute a quorum for the transaction of business.

Sec. 6760. *Threatened strikes.*—Whenever it shall come to the knowledge of the board that a strike or a lockout is about to occur, or is seriously threatened, involving ten or more persons, in any part of the State, it shall be the duty of said board to proceed as soon as possible to the locality of such dispute, strike or lockout and place itself in communication with the parties to the controversy, and endeavor by mediation to effect a settlement. Should all efforts at conciliation fail, it shall be the duty of the board to inquire into the causes of said grievance or dispute, and to this end it is hereby authorized to subpœna and examine witnesses, and send for books and papers. Subpœnas may be signed and oaths administered by any member of the board. Said board is further authorized to subpœna as witnesses anyone connected with the department of [or] business affected, or other persons whom they may suspect of having knowledge of the matters in controversy or dispute, and anyone who keeps the records of the wages earned in such department, and examine them under oath touching such matters and require the production of books and papers containing the record of wages earned or paid. All processes issued by said board may be delivered or sent to any sheriff, constable or police officer, who shall forthwith serve or post the same as may be required, and make due returns thereof, according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasury or the county or city wherein the controversy to be arbitrated exists, upon a warrant signed by the president of the board of mediation and arbitration. Witnesses shall receive the same compensation as witnesses in courts of record, which shall be paid in the same manner as sheriffs, constables and police officers above mentioned. And the board shall have power and authority to maintain and enforce order at its hearings and obedience to its process.

Note.—This board is not a court and can not exercise purely judicial power, nor can such power be conferred upon it by the legislature. The courts can not punish for contempts committed against the board. State v. Ryan, 182 Mo. 349, 81 S. W. 435.

Sec. 6761. *Violations.*—[Violations entail a fine, $20 to $500, or imprisonment not exceeding 30 days, or both.]

SEC. 6762. *Controversies to be submitted.*—In all cases when any grievance or dispute shall arise between any employer and his employees, said dispute involving ten or more employees, it shall be the duty of the parties to said controversy to submit the same to said board for investigation. Within ten days after the completion of said examination or investigation authorized by this article, the board, or a majority thereof, shall render a decision stating such details as will clearly show the nature of such controversy, and points in dispute disposed of by them and make a written report of their findings and recommendations, and shall furnish the governor and each party to the controversy a true and complete copy of the same, and shall have a copy thereof published in some local newspaper.

SEC. 6763. *Decision binding, when.*—In all cases where the application for arbitration is mutual, or both parties agree to submit to the decision of the board, said decision shall be final and binding upon the parties concerned in said controversy and dispute. In all cases where either party to a dispute refuses to agree to arbitration, the decision of the board shall be final and binding upon the parties thereto, unless exceptions be filed with the clerk of said board, within five days after said decision is rendered and announced.

SEC. 6764. *Violations.*—[Violations incur penalty of fine, $50 to $100, or imprisonment not exceeding 6 months, or both.]

SEC. 6765. *Reports.*—Said board shall make biennial reports to the governor of the State, and shall include therein such statements, facts, and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to a speedy and satisfactory adjustment of disputes between employers and employees.

Hours of labor

SECTION 6766. *Eight hours a day's labor.*— * * * The period of eight hours shall be and constitute a legal day's work; but nothing in this section shall be so construed as to prevent parties to any contract for work, services, or labor from agreeing upon a longer or shorter time. This section shall not apply to persons hired or employed by the month, nor to laborers or farm hands in the service of farmers or others engaged in agriculture.

SEC. 6767. *Limit of eight hours.*—It is hereby declared to be unlawful for any person, company, or corporation engaged in carrying on any kind of mining, mechanical, chemical, manufacturing, or smelting business, to work their employees in any mill or mills, or plants, while engaged in crushing rocks and mine products, containing mineral or ores, or engaged in separating the minerals or ores from rock and such combination with which the mineral or ores are mixed, or reducing or roasting, or refining or smelting minerals or ores, from and after the time such rocks, or combination of rocks and mine products, or minerals, or ores are taken out of the mines, at such labor or industry, for a period of time longer than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment, for all laborers, or employees, engaged in the kind of labor or industry aforesaid.

SEC. 6768. *Violations.*—Any person or persons, company or corporations who shall violate any of the provisions of the preceding section shall, on conviction, be fined in a sum not less than twenty-five dollars nor more than five hundred dollars.

SEC. 6769. *Limit of eight hours.*—It is hereby declared to be unlawful for any person, company, or corporation engaged in carrying on the business of any kind of silica mining, plate glass manufacturing or smelting business to work their employees in any mine or mines, mill or mills, factories, or plants for a period of time longer than eight hours in a day of twenty-four hours and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor or industries aforesaid.

SEC. 6770. *Violations.*—[Violations are punishable by fine, $25 to $500.]

Employment of women

SECTION 6771. *Hours of labor.*—No female shall be employed, permitted, or suffered to work, manual or physical, in any manufacturing, mechanical, or mercantile establishments, or factory, workshop, laundry, or bakery, or restaurant, or any place of amusement, or to do any stenographic or clerical work of any

character in any of the divers kinds of establishments and places of industry, herein above described, or by any person, firm or corporation engaged in any express or transportation or public utility business, or by any common carrier, or by any public institution, incorporated or unincorporated, in this State, more than nine hours during any one day, or more than fifty-four hours during any one week: *Provided*, That operators of canning or packing plants in rural communities, or in cities of less than ten thousand inhabitants wherein perishable farm products are canned, or packed, shall be exempt from the provisions of this section for a number of days not to exceed ninety in any one year: *Provided further*, That nothing in this section shall be construed or understood to apply to telephone companies: *And be it further provided*, That the provisions of this section shall not apply to towns or cities having a population of 3,000 inhabitants or less.

SEC. 6772. *Vacation at childbirth.*—It shall be unlawful for any person, firm, or corporation to knowingly employ a female or permit a female to be employed in any of the diverse kinds of establishments, places of industry, or places of business specified in section 6771, within three weeks before or three weeks after childbirth. Any person, firm, or corporation who shall violate this section shall be deemed guilty of a misdemeanor.

SECS. 6773, 6774. *Violations; enforcement.*—[Violations of the two foregoing sections entail fines, $25 to $100 for each offense. Enforcement is in the hands of the industrial inspector.]

Payment of wages—Semimonthly pay day

SECTION 6775. *Semimonthly pay day.*—The employees of the operators of all manufactories, including plate glass manufactories, operated within this State shall be regularly paid in full of all wages due them at least once in every fifteen days, in lawful money, and at no pay day shall there be withheld from the earnings of any employee any sum to exceed the amount due him for his labor for five days next preceding any such pay day. Any such operator who fails and refuses to pay his employees, their agents, assigns or anyone duly authorized to collect such wages, as in this section provided, shall become immediately liable to any such employee, his agents or assigns for an amount double the sum due such employee at the time of such failure to pay the wages due, to be recovered by civil action in any court of competent jurisdiction within this State, and no employee, within the meaning of this section, shall be deemed to have waived any right accruing to him under this section by any contract he may make contrary to the provisions hereof.

Payment of wages of railroad employees

SECTIONS 6778–6780. *Monthly payment.*—[All persons or corporations engaged in the operation of railroads or railroad shops are required to pay wages monthly, on or before the 15th day of the month following that in which the wages were earned (see secs. 9802, 9803).]

Inspection of factories—Inspector

SECTION 6781. *Inspector to be appointed.*—Within thirty days after the passage of this article, the governor of the State, with the advice and consent of the senate, shall appoint a competent person to serve as State industrial inspector, who shall hold office for four years from the date of his appointment, or until his successor is appointed and qualified. The industrial inspector may appoint, from time to time, two assistant industrial inspectors, and ten deputy industrial inspectors, two of whom may be women, who may be removed by him at any time for just cause. Before entering upon his official duties, the inspector shall make oath to support the Constitution and faithfully demean himself in office; he shall also execute a bond to the State of Missouri, in such sum as the governor may prescribe, with two or more solvent sureties, to be approved by the governor, conditioned upon his faithful performance of the duties imposed upon him by law.

SEC. 6782. *Districts.*—The State industrial inspector may divide the State into districts, assign one or more deputy inspectors to each district, and may, at his discretion, change or transfer them from one district to another. It shall be the duty of the industrial inspector, his assistants or deputy inspectors, to make not less than two inspections during each year of all factories,

warehouses, office buildings, freight depots, machine shops, garages, laundries, tenement workshops, bake shops, restaurants, bowling alleys, pool halls, theaters, concert halls, moving picture houses or places of public amusement, and all other manufacturing, mechanical and mercantile establishments, and workshops. The last inspection shall be completed on or before the first day of October of each year, and the industrial inspector shall enforce all laws relating to the inspection of the establishments enumerated heretofore in this section, and prosecute all persons for violating the same. Any municipal ordinance relating to said establishments or their inspection shall be enforced by the industrial inspector. The industrial inspector, his assistants and deputy inspectors may administer oaths and take affidavits in matters concerning the enforcement of the various inspection laws relating to these establishments: *Provided*, That the provisions of this section shall not apply to mercantile establishments that employ less than ten persons that are located in towns and cities that have three thousand inhabitants or less.

SEC. 6783. *Fees for inspection.*—The inspector provided for in this article shall be entitled to demand and receive from the owner, superintendent, manager, or other person in charge of every establishment inspected, as provided for by law, the following fee for each inspection made in accordance with the provisions of * * * [secs. 6766–6850] or elsewhere authorized or required of said inspector by law to be made: For the inspection of every building or shop in which three or less persons are employed or found at work, the sum of fifty cents; for the inspection of every building or shop in which more than three or not exceeding thirteen persons are employed, the sum of one dollar; for the inspection of every building or shop in which more than thirteen and not exceeding twenty-six persons are employed, the sum of two dollars; for the inspection of every building or shop in which more than twenty-six and less than fifty persons are employed, the sum of three dollars; for the inspection of every building or shop in which more than fifty persons and less than eighty persons are employed, the sum of four dollars; and in every building or shop in which more than eighty persons are employed an additional fee of one dollar shall be charged and collected for every fifty additioual persons employed, or any additional fraction thereof; and the fee herein provided for shall be due immediately upon completion of the inspection. The owner, superintendent, manager, or other person in charge of any establishment at the time of inspection shall be required to furnish the inspector making the inspection a true statement of the number of persons employed in such establishment at the time of inspection, and any owner, superintendent, manager, or other person in charge who shall fail or refuse to furnish such statement, or understate the number of persons employed in such establishment at the time of inspection, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for such firm or corporation or by himself or through subagents or foremen, superintendent, or manager who shall refuse or attempt to prevent the admission of any inspector authorized by this article, upon or within the premises or building of any establishments or place which he is required by law to inspect, at any reasonable business hour, or during working hours of the persons employed therein or thereat, or shall in any manner interfere with the performance of the official duties of such inspector, or shall neglect or refuse to pay the inspection fee upon the completion of such inspection, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense: *Provided*, That the owner or manager of any establishment inspected shall not be required to pay for more than two such inspections between the first day of October of one year and thirtieth day of September of the next year, unless, through noncompliance with the written orders of the inspector, additional inspections are made necessary.

SEC. 6784. *Salaries.*—All fees received by the industrial inspector for all inspections provided for by law shall be paid into the State treasury on or before the last day of each month, to be placed to the credit of the "industrial inspection fund." The industrial inspector shall receive an annual salary of twenty-five hundred dollars; the two assistant industrial inspectors shall receive an annual salary of eighteen hundred dollars each, and the deputy industrial inspectors shall each receive a salary of one hundred fifty dollars

per month for the time actually employed; and the industrial inspector, assistant industrial inspectors, and deputy industrial inspectors shall further receive actual necessary expenses incurred in the discharge of their duties, to be paid monthly upon a warrant of the State auditor, issued upon vouchers therefor. The industrial inspector shall establish and maintain an office in the city of St. Louis, and also an office in the city of Kansas City and the city of St. Joseph. The offices herein provided for in St. Louis and Kansas City shall each be in charge of one of said assistant industrial inspectors and the office in St. Joseph shall be in charge of one deputy industrial inspector. Each of said assistant and deputy industrial inspectors shall devote his entire time to the discharge of the duties of the office in the city for which he is appointed. The persons appointed assistant industrial inspectors under this article shall possess all the qualifications now required of city officers by the charters of the respective cities in which their said offices are located: *Provided*, That no salary or expense shall be paid for the industrial inspector or assistant or deputy industrial inspectors or clerks in excess of the receipts from the fees paid into the Industrial inspection funds: *And provided further*, That the salary of the industrial inspector and his assistants, and all expenses for traveling, office rent, printing, stationery, postage, and other items of expenditure shall be limited for the biennial term of two years to an amount not exceeding sixty-five thousand dollars, and all money remaining in said industrial inspection fund at the close of each biennial term, after the payment of the salaries and expenses herein provided for, shall be transferred to the general revenue fund.

Factory, etc., regulations

Section 6785. *Accidents to be reported.*—All accidents in manufacturing, mechanical, mercantile or other establishments or places within this State where labor is employed which prevent the injured person or persons from returning to work within four days after the injury, or which result in death, shall be reported by the person in charge of such establishment or place to the industrial inspector, or to one of the assistant or deputy inspectors provided for by this chapter, and also to the city or county physician, when there be such an officer, which notice may be given by mail.

Sec. 6786. *Belting, etc., to be guarded.*—The belting, shafting, machines, machinery, gearing, and drums in all manufacturing, mechanical, and other establishments in this State, when so placed as to be dangerous to persons employed therein or thereabouts while engaged in their ordinary duties, shall be safely and securely guarded when possible; if not possible, then notice of its danger shall be conspicuously posted in such establishments. Whenever the industrial inspector, or his assistant, or deputy, finds that guards have not been installed nor notice of danger posted, as required by the provisions of this section, he shall at once, in writing, order the owner or owners, or the person or persons in charge of the machinery, plant, establishment, or place, to make the alterations, additions, or repairs necessary within ten days; and if the said alterations, additions, or repairs be not made within ten days from the date of such order, then such failure to make such alterations shall be deemed a violation of this article, and in addition to the penalties hereinafter prescribed for such violations, the inspector, or his assistant or deputy, shall be and is hereby empowered to, and he shall seal said defective appliance or appliances in such a manner as to render the same inoperative until said order of the inspector has been complied with.

Sec. 6787. *Circular saws.*—All power-driven circular saws must be provided with safety guards which raise and lower automatically for various thicknesses of material, and must also be provided with a kick-back dog to prevent the board binding on the saw and flying back. Said appliances shall be subject to the approval of the State industrial inspector, his assistants, or deputies.

Sec. 6788. *Women and children cleaning moving machinery, etc.*—No minor or woman shall be required to clean any part of the mill gearing or machinery while it is in motion in such establishment, nor shall any minor under the age of sixteen years be required to work between the fixed and traversing or the traversing parts of any machine while it is in motion by the action of steam, water, electricity or other mechanical power; and no woman shall be required to work between the fixed and traversing or the traversing parts of any such machine, except the machine being operated by her.

Sec. 6789. *Hatchways, etc.*—The openings of all hatchways, elevators, and wellholes upon every floor of every manufacturing, mechanical, or mercantile

or public building in this State shall be protected by good and sufficient trapdoors or self-closing hatches or safety catches, or strong guardrails at least three feet high, and all due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by the occupant of the building having the use and control of the same. Whenever the State industrial inspector, or one of his assistants or deputies, finds any violations of the foregoing requirement to guard hatchways, elevators, and wellholes, be shall at once, in writing, notify the owner or owners thereof, or the person or persons in charge of said appliance or appliances, to make the necessary alterations, additions, or repairs within ten days; and if said alterations, additions or repairs are not made within ten days from the date of such notice, the inspector, or his assistant or deputy, shall seal such appliance or appliances in such a manner as to render the same inoperative until there has been compliance with the order of the inspector.

SEC. 6790. *Fire escapes.*—All manufacturing, mechanical, mercantile or other establishments in this State, of two or more stories in height, in which twenty or more persons are employed above the first floor thereof, shall be provided with at least one or more outside iron fire escapes. For every twenty persons employed on every floor above the second floor of such establishment, there shall be one rope or portable fire escape, and each story shall be amply supplied with means for extinguishing fire.

SEC. 6791. *Doors to open outward.*—In all such establishments the main doors, both inside and outside, shall open outwardly, when the inspector, in writing, so directs; and no outside or inside door of any building wherein labor is employed shall be so locked, bolted, or otherwise fastened during the hours of labor as to prevent egress.

SEC. 6792. *Limewash or paint to be used.*—Every factory and workshop in this State where women and children are employed, and where dusty work is carried on, shall be lime-washed or painted at least once in every twelve months.

SEC. 6793. *Placing explosives near egress.*—No explosive or inflammable compound shall be used in any establishment in this State where labor is employed, in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

SEC. 6794. *Wash rooms for women.*—In every factory, workshop or other establishment in this State where girls or women are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such girls or women to wash and dress, and stairs in use by female employees shall in all such establishments be properly screened.

SEC. 6795. *Water-closets.*—Separate water-closets shall be provided for the use of employees of either sex in manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

SEC. 6796. *Ventilation.*—All manufacturing, mechanical, mercantile and other establishments in this State shall be so ventilated as to render harmless all impurities, as near as may be.

SEC. 6797. *Seats for female employees.*—In every manufacturing, mechanical, mercantile and other establishment in this State wherein girls or women are employed, there shall be provided and conveniently located seats sufficient to comfortably seat such girls or women, and during such times as such girls or women are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

SEC. 6798. *Polishing wheels.*—Every person, firm or corporation using any polishing wheel or machine of any character which generates dust, smoke or poisonous gases in its operation, shall provide each and every such wheel or machine with a hood, which shall be connected with a blower or suction fan of sufficient power to carry off said dust, smoke and gases and prevent its inhalation by those employed about said wheel or machine; and any violation of this section is hereby declared to be a misdemeanor, and a person, firm or corporation so violating this section shall, upon conviction, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars for each and every offense. It shall be the duty of the industrial inspector and his assistants and deputies to see that this section is enforced and to prosecute any violations thereof.

SEC. 6799. *Ventilation.*—In all establishments in this State wherein labor is employed, where any process is carried on by which dust or smoke is generated, the industrial inspector and his assistants and deputies shall have the power and the authority in order that a fan or some other contrivance be put in to prevent the inhalation of such dust or smoke by employees.

SEC. 6800. *Overcrowding.*—Where, in the opinion of the inspector, any establishment wherein labor is employed is so overcrowded with employees as to endanger health or safety, the industrial inspector, when supported in his opinion by the opinion of some reputable physician, shall be authorized and empowered to prohibit such overcrowding.

SEC. 6801. *Unsanitary or dangerous conditions.*—Whenever the State industrial inspector, or one of his assistants or deputies, finds that the heating, lighting, ventilation or sanitary arrangements of any establishment where labor is employed is such as to be dangerous to the health or safety of employees therein or thereat, or the means of egress in case of fire or other disaster are not sufficient, or that the building, or any part thereof is unsafe, or that the belting, shafting, gearing, elevators, drums or other machinery are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans, ladles or structures filled with molten or hot liquid, or any furnace, be not sufficiently surrounded with proper safeguards, or the platforms, passageways and other arrangements around, in or about any railway yard or switch be such as to probably lead to injury or accident to those employed in, around, or about any such establishment or place, shall at once, in writing, order the owner or owners, or the person or persons in charge of such establishment or place to make the alterations or additions necessary within ten days; and if such alterations or additions be not made within ten days from the date of such order, then such failure to make such alterations shall be deemed a violation of this article, and in addition to the penalties hereinafter prescribed for such violations, the inspector, or his assistant or deputy, shall be and is hereby empowered to, and he shall seal said defective appliance or appliances in such manner as to render the same inoperative until said order of the inspector has been complied with.

SEC. 6802. *Scaffolds on buildings.*—All scaffolds on structures used in or for the erection, repairing or taking down of any kind of building shall be well and safely supported, and of sufficient width, and so secured as to insure the safety of persons working thereon, or passing under or about the same, against the falling thereof, or the falling of such materials or articles as may be used, placed or deposited thereon. All persons engaged in the erection, repairing or taking down of any kind of building shall exercise due caution and care so as to prevent injury or accident to those at work or near by.

SEC. 6804. *Notice to inspector.*—Within one month after the occupancy of any factory, the workshop or mill, the occupant shall notify the inspector, in writing, of such occupancy.

SEC. 6805. *Violations.*—It shall be unlawful and deemed a violation of this article for any person to break, remove, alter or otherwise render ineffective, or to aid or abet or cause same to be done, any guards installed, or the seal of any inspector affixed in accordance with the provisions of this article.

SECS. 6806–6812. *Penalties.*—[Penalties for violation are fine $25 to $200 for first offense, and $100 to $500 or imprisonment in default of payment for subsequent offenses.]

SEC. 6813. *Wash rooms at foundries.*—[Foundries at which four or more men are employed must be supplied with properly equipped wash rooms and suitable rooms for changing clothing.]

This provision is constitutional. State v. Iron & Steel Co., 268 Mo. 178, 186 S. W. 1007.

SEC. 6814. *Gangways.*—In all establishments mentioned in section 6813, all gangways shall be not less than eight (8) feet wide, shall be kept dry and free from any and all obstructions during all times when employees are working therein. All such gangways shall have dirt floors and shall be under water-tight roof; all water tanks shall be so placed that the top thereof shall be not less than thirty (30) inches above the level of the floor; shall be kept clear of any gangways and shall have an outlet near the top thereof, which outlet shall be connected with a sewer or other receptacle sufficient to prevent the overflow of such tank upon the floor of such establishment. Every corporation, company or person engaged in operating any such foundry shall provide and maintain adequate and efficient devices for carrying off all poisons or injurious fumes, gases and dust from such foundry.

SEC. 6815. *Inspection.*—[Semiannual inspections are required of all foundries in which four or more men are employed.]

SEC. 6817. *Prevention of disease.*—Every employer of labor in this State engaged in carrying on any work, trade or process which may produce any illness or disease peculiar to the work or process carried on, or which subjects the employee to the danger of illness or disease incident to such work, trade or process, to which employees are exposed, shall for the protection of all employees engaged in such work, trade or process, adopt and provide approved and effective devices, means or methods for the prevention of such industrial or occupational diseases as are incident to such work, trade or process.

SEC. 6818. *Dangerous industries.*—The carrying on of any process, or manufacture, or labor in this State in which antimony, arsenic, brass, copper, lead, mercury, phosphorus, zinc, their alloys or salts or any poisonous chemicals, minerals, acids, fumes, vapors, gases, or other substances, are generated or used, employed or handled by the employees in harmful quantities, or under harmful conditions, or come in contact with in a harmful way, are hereby declared to be especially dangerous to the health of the employees.

SEC. 6819. *Working clothes.*—Every employer in this State to which this article applies shall provide for and place at the disposal of the employees so engaged, and shall maintain in good condition without cost to the employees, working clothes to be kept and used exclusively by such employees while at work and all employees therein shall be required at all times while they are at work to use and wear such clothing; and in all processes of manufacture or labor referred to in this section which are productive of noxious or poisonous dusts, adequate and approved respirators shall be furnished and maintained by the employer in good condition and without cost to the employees, and such employees shall use such respirators at all times while engaged in any work productive of noxious or poisonous dusts.

SEC. 6820. *Examination by physician.*—Every employer engaged in carrying on any process or manufacture referred to in section 6818 shall, as often as once every calendar month, cause all employees who come into direct contact with the poisonous agencies or injurious processes referred to in section 6818, to be examined by a competent licensed and reputable physician for the purpose of ascertaining if there exists in any employee any industrial or occupational disease or illness or any disease or illness due or incident to the character of the work in which the employee is engaged.

SEC. 6821. *Report.*—It is hereby made the duty of any licensed physician who shall make a physical examination of any employee under the provisions of section 6820, to make within twenty-four hours a triplicate report thereof to the State board of health of the State of Missouri upon blanks to be furnished by said board upon request, and if any such disease or illness is found, the physician shall so report, and if any such disease is found, the report shall state the name and address and business of such employer and the nature of the disease in precise and definite terms of all the diseases or illness with which the employee is afflicted and the probable extent and duration thereof, the name and business of employer, and the last place and length of employment: *Provided*, That the failure of any such physician to receive blanks from the State board of health for making such a report shall not excuse the physician from making the report as herein required. Any physician who shall fail to make a report as required by this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50), and in each case shall stand committed until such fine and costs are paid unless otherwise discharged by due process of law.

SEC. 6822. *Duties of State board of health.*—The secretary of the State board of health shall, immediately upon receipt of any report from any physician in accordance with the provisions of section 6821, transmit a copy thereof to the State industrial inspector, and a copy to the superintendent of the factory in which the employee is supposed to have contracted his ailment.

SEC. 6823. *Dressing rooms, etc.*—Every employer engaged in carrying on any process or manufacture or labor referred to in section 6818, shall provide, separate and apart from the workshop in which such employees are engaged, a dressing room and lavatory for the use of such employees who are exposed to poisonous or injurious dusts, fumes and gases, and such lavatory shall be kept and maintained in a hygienic and sanitary manner and provided with a sufficient number of basins or spigots with adequate washing facilities including hot and cold water, clean individual towels and soap, and sufficient shower

baths, and the dressing room shall be furnished with compartment lockers, so that the ordinary street clothes of such employees shall be kept separate and apart from their working clothes. Male and female employees shall be provided for separately.

SEC. 6824. *Separate rooms for meals.*—No employee shall take or be allowed to take any food or drink of any kind into any room or apartment in which any process or manufacture or labor referred to in section 6818 is carried on, or in which poisonous substances or injurious or noxious fumes, dusts or gases, are present as the result of such work or process being carried on in such room or apartment, and the employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provision shall be made and maintained by the employer for enabling the employees to take their meals elsewhere in such place of employment, and a sufficient number of sanitary drinking fountains containing wholesome drinking water, and providing ice for same, shall be provided and maintained for the use of the employees within reasonable access and without cost to them.

SEC. 6825. *Removal of fumes and dust.*—All employers engaged in carrying on any process or manufacture or labor referred to in section 6818, shall provide and maintain adequate devices for carrying off all poisonous or injurious fumes from any furnaces which may be employed in any such process or manufacture or labor, and shall also provide and maintain adequate and efficient facilities for carrying off all injurious dust, and the floors in any room or apartment where such work or process is carried on shall be kept and maintained in a smooth and hard condition, and no sweeping shall be permitted during working hours except where the floor in such workshop is dampened so as to prevent the raising of dust; and all ore, slag, dross and fume shall be kept in some room or apartment separate from the workrooms occupied by the employees, and all mixing and weighing of such ore, slag, dross or fume shall be done in such separate room or apartment, and all such material shall be dampened or covered before being handled or transported by employees.

SEC. 6826. *Prevention of injury by dust.*—When any flues or other apparatus are used in any such process or manufacture or labor referred to in section 6818, and when such flues or other apparatus are being cleaned or emptied, the employer shall in every case provide and maintain a sufficient, adequate and efficient means or device, such as canvas bags or other approved device, or by dampening the dust, or some other efficient method for catching and collecting the dust and preventing it from unreasonably fouling or polluting the air in which the employees are obliged to work, and, wherever practicable, the dust occasioned in any process or manufacture referred to in section 6818, and in any polishing or finishing therein, shall be dampened or wet down or covered, and every reasonable precaution shall be adopted by the employer to prevent the unnecessary creation or raising of dust, and all floors shall be washed or scrubbed at least once every working day; and such parts of the work or process as are especially dangerous to the employees, on account of poisonous fumes, dusts and gases, shall, where practicable, be carried on in separate rooms and under cover of some suitable and efficient device to remove the danger to the health of such employees as far as may be reasonably consistent with the manufacturing process, and the fixtures and tools employed in any such process or manufacture or labor, shall be thoroughly washed and cleaned at reasonable intervals.

SEC. 6827. *Hoppers, etc.*—All hoppers or chutes or similar devices used in the course of any process or manufacture referred to in section 6818 shall be provided with a hood or covering, and an adequate and efficient apparatus or other proper device for the purpose of drawing away from the employees, noxious, poisonous, or injurious dusts, and preventing the employees from coming into unnecessary contact therewith; and all conveyances or receptacles used for the transportation about or the storage in any place where any such process or manufacture or labor referred to in section 6818 is carried on, shall be properly covered or dampened in such a way as to protect the health of the employees, and no refuse of a dangerous character incident to the work or process carried on in any such place shall be allowed to remain accumulated on the floors thereof.

SEC. 6828. *Enforcement.*—It shall be the duty of the State industrial Inspector to enforce the provisions of this act and to prosecute all violations

of the same before any magistrate or any court of competent jurisdiction in this State, and for that purpose the State industrial inspector and his assistants are empowered to and shall visit and inspect, at least once a year, and at reasonable hours, and as often as practicable, all places of employment covered by the provisions of this article.

SEC. 6829. *Copy of law, and instructions, to be posted.*—For the purpose of disseminating a general knowledge of the provisions of this article and of the dangers to the health of employees in any work or process covered by the provisions of this article, the employer shall post in a conspicuous place in every room or apartment in which any such work or process is carried on, appropriate notices of the known dangers to the health of any such employees arising from such work or process, and simple instructions as to any known means of avoiding, so far as possible, the injurious consequences thereof, and the State industrial inspector shall have prepared a notice covering the salient features of this article, and furnish a reasonable number of copies thereof to employers in this State, affected by the provisions of this article, which notice shall be posted by every such employer in a conspicuous place in every room or apartment in such place of employment. The notices required by this section shall be printed on cardboard of suitable character and the type used shall be such as to make them easily legible.

SEC. 6830. *Violations.*—[Violations are punishable by fine, $25 to $200, violators to be held until fine is paid.]

SEC. 6831. *Definition.*—In this article unless the context otherwise requires, "employer" includes persons, partnerships, and corporations.

SEC. 6834. *Manufactures in tenements.*—No room or apartment in any tenement or dwelling house shall be used by more than three persons, not immediate members of the family living therein, for the manufacture of any wearing apparel, purses, feathers, artificial flowers, or other goods for male or female wear. Every person, firm, or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the complete material from which they are to be made, or to be wholly or partially finished, shall keep a register of the names and addresses of all persons to whom such work is given to be made or with whom they have contracted to do the same. Such register shall be produced for the inspection, and a copy thereof shall be furnished to the factory inspector on demand.

SEC. 6835. *Certain goods to be labeled.*—No person, firm, or corporation shall knowingly sell or expose for sale any of the articles mentioned herein when such articles were made in violation of this article; and the factory inspector, his deputy, or any officer appointed to enforce the provisions of this article, who shall find any such articles made in violation of the provisions of this article, or who shall find that the articles herein mentioned are made under unclean or unhealthy conditions, shall conspicuously affix thereto a label containing the words "tenement made" or "made under unhealthy conditions," as the case may be, printed in plain letters on a tag not less than two inches in length, and it shall be unlawful to remove such tag except by the permission of the factory inspector or the officer under whose direction such label was affixed.

SEC. 6836. *Violations.*—[Fines of from $10 to $50, or imprisonment not more than 10 days, or both, are penalties for violations.]

SEC. 6837. *Sanitation required in certain factories.*—Every person employing 3 or more persons in a factory, or employing children, young persons or women, 3 or more in number, in a workshop, shall keep such factory or workshop in a cleanly state and free from effluvia from any drain, privy or other nuisance.

SEC. 6838. *Toilets.*—[Where three or more persons are employed, toilet conveniences must be furnished, separate for the sexes if both sexes are employed, sufficient for the reasonable use of all persons.]

SEC. 6839. *Ventilation.*—Every factory in which 3 or more persons are employed, and every workshop in which children, young persons or women, 3 or more in number, are employed, shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, so far as is practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

SEC. 6840. *Exhaust fans.*—If, in a factory or workshop included in section 6839 of this article, any process is carried on by which dust is generated and

inhaled to an injurious extent by the persons employed therein, and it appears to the industrial inspector, or his assistant, or deputy, that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such inspector may direct a fan, or other mechanical means of a proper construction, to be provided within a reasonable time; and such fan or other mechanical means shall be so provided, maintained, and used.

SEC. 6841. *Violations.*—[Violations of secs. 6837 6840 are punishable by a fine, $50 to $200; but no criminal proceeding shall be instituted until four weeks after notice in writing and continuing noncompliance.]

SEC. 6842. *Definitions.*—The following expressions used in this article shall have the following meanings: The expression "person" means any individual, corporation, partnership, company, or association. The expression "child" means a person under the age of fourteen years. The expression "young person" means a person of the age of fourteen years and under the age of eighteen years. The expression "woman" means a woman of the age of eighteen years and upward. The expression "factory" means any premises where steam, water, or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room, or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for purposes of gain, in or incidental to any process of making, altering, repairing, ornamenting, finishing, or adapting for sale any article or part of an article, and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control: *Provided, however*, That the exercise of manual labor in a private house or room by a family dwelling therein, shall not in itself constitute such house or room a workshop within this definition.

Inspection, etc., of steam boilers—Board of boiler rules

SECTIONS 6851-6855. *Board created; functions.*—[A State board of boiler rules is to be appointed by the governor, consisting of 5 members, appointed for terms of 4 years each. The State factory inspector is ex officio a member, and is chairman; other members serve on a per diem basis to be paid for not more than 20 days per year. It is the duty of the board to formulate a boiler code, to conform as nearly as possible to the code of the American Society of Mechanical Engineers, all rules and changes to be effective only after approval of the governor.]

Mine regulations

SECTIONS 7458-7462. *Weighing coal.*—[Where coal is mined by bushel or ton rates, it must not be screened before it is weighed and the miner duly credited. The same rule applies to loaders. Weighmen act under oath, and the employment of a checkweighman by the miners must not be interfered with. Inspectors are to test scales, and penalties attach to the use of false scales.]

SECS. 7463, 7464. *Wages.*—[Wages are to be paid semimonthly, and a lien attaches to real and personal property to secure the payment of wages due miners and mine laborers.]

SECS. 7465, 7466. *Hours.*—[Eight hours per day is the maximum employment in mining or mine excavation.]

SECS. 7467, 7468. *Coming to surface for meals.*—[Miners working underground are to be allowed to come to the surface for meals, and must be hoisted and lowered for such purpose free of cost. One hour's time must be allowed for eating and rest.]

SECS. 7469-7493. *Provisions for safety.*—[Maps must be furnished the county court of the county in which any mine is located, corrected annually; also a copy at the mine. Escape shafts must be provided, at least two outlets at every working place, with safe and available means of ingress and egress. Ventilation, the handling of explosives, blasting, travel ways, illuminating oils, the approach to suspected collections of gas and water, signaling, hoisting, the location and protection of boilers, and the reporting and investigation of accidents are regulated. Hoisting equipment must be inspected semiweekly, and inspectors may close mines on account of defective conditions.]

SECS. 7494–7506. *Inspection.*—[The governor appoints a State chief mine inspector, who, with the approval of the governor, appoints two coal mine inspectors and four lead, zinc, and other mine inspectors; also a secretary of the bureau of mines thus constituted. The inspectors are to see that proper precautions are observed as to the health and safety of workmen, and make reports as to operations, employment, wages paid, etc. Inspectors may enter mines at all reasonable times, and employers must furnish necessary facilities for inspecting mines and machinery. Defects in mines, timbering, ventilation, etc., are to be reported to the county attorney, and in case of his failure to act, the inspector may proceed against the owner or operator; if cause appears, the mine may be closed by the court until conditions are remedied.

Where a complaint is received of dangerous conditions or violations of law in mines other than coal mines, an examination must be made, and proceedings may be taken as above; inspectors may also investigate as often as they deem proper, and require the correction of defects in ventilation, modes of egress, or other conditions affecting safety. Where dust is produced, provisions for sprinkling may be required and the raising of dust from drilling or blasting be prevented as far as possible.]

SECS. 7507, 7508. *Dressing rooms, etc.*—[Dressing rooms with suitable equipment, including washing conveniences, heat, etc., must be provided at all zinc and lead mines. Sanitary drinking devices must also be supplied.]

SECS. 7509–7511. *Wash houses.*—[Operators of coal mines where 10 or more men are employed at digging coal must provide a suitable wash house, properly heated, and kept in condition for use. Water must be available, to be carried by the workmen, who also furnish their own towels, bashs, and soap, and care for and are responsible for property left by them in the wash house.]

SECS. 7512, 7513. *Stables.*—[Special provisions relate to fire hazards, ventilation, lighting, etc.]

SEC. 7514. *Fatal injuries.*—For any injury to persons or property occasioned by any violation of this article or failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages sustained by reason of such loss of life or lives: *Provided*, That all suits brought under this article shall be commenced within one year after any cause of action shall have accrued, under this article and not afterward; *And provided further*, That any person entitled to sue under this section for loss of life or lives may recover any sum not exceeding ten thousand dollars.

This section is constitutional. The limitation of $10,000, while the general damage act makes a limit of $5,000, is not invalid as class legislation. 56 S. W. 1091.

SECS. 7515–7526. *Working.*—[Rules prohibit certain injuries or acts that may cause injury or imperil the security of life or property. Timbers must be furnished by the operator. The method of working by the room and pillar plan is prescribed, and the storage and use of explosives regulated. Shot firers must be employed in dangerous mines or where coal is blasted "off the solid."]

SEC. 7527. *Qualifications of miners.*—[A person wishing to work underground as a miner must give proof of a year's experience with or as a practical miner and satisfy the coal mine inspector of his competency. Until this is done he may work only with a practical miner.]

SECS. 7528–7546. *Mining board; certificates.*—[A mining board of three members is appointed by the governor, one a miner, one a mining engineer, and one a mine owner. Candidates for appointment as inspectors of coal mines, and persons seeking employment as mine managers, foremen, examiners, and hoisting engineers must conform to prescribed standards of age, habits, and experience, and pass examinations as to technical qualifications. Certificates from other States may be recognized in the discretion of the board. Temporary employment is permitted in cases of emergency if no holder of a certificate is available, but only for limited periods. Certificates may be revoked for incapacity, misconduct, or other satisfactory causes, on hearing after notice. An examination fee of $1 is charged in all cases, and for certificates $2.]

Recovery of wages, etc., due from counties

SECTION 9507. *Claims for work and labor.*—If a claim against a county be for work and labor done, or material furnished in good faith by the claimant, under contract with the county authorities, or with any agent of the county lawfully authorized, the claimant, if he shall have fulfilled his contract, shall be entitled to recover the just value of such work, labor, and material, though such authorities or agent may not, in making such contract, have pursued the form of proceedings prescribed by law.

Payment of wages of employees of corporations

SECTION 9779. *Wages a prior claim.*—All corporations shall make payment to their employees and other operatives, of wages due for all labor and services performed by them, within three months next preceding a demand made therefor, not exceeding one hundred dollars, in preference to any other claim, debts, or demands whatsoever, not secured by specific liens on property; and such priority of payment may be enforced by civil action. Payment of wages shall be made on or before the fifteenth day of each month for the full amount of all wages earned previous to the first day of that month, with interest at six per centum. If not paid, to be added to the amount of said wages when paid or recovered by suit. All debts due employees or operatives for wages of their labor shall have priority of payment from the money and assets of the corporations in the hands of officers or agents, or any receiver or assignee, over every other claim not specifically secured. Every corporation, officer, agent, receiver, assignee, or person holding money or assets, refusing to recognize the priority of employees' claims, shall be liable to such employees for the amount of all loss and damages occasioned by his unlawfully withholding the money.

The president of a corporation voluntarily paying its employees with his own money is not subrogated to their rights. 126 Mo. 393.
An employee of a corporation can not recover his wages of a sheriff holding its assets by attachment. 69 Mo. App. 34.

Contracts of employment—Discharge—Reducing wages

SECTION 9780. *Statement to be furnished.*—Whenever any employee of any corporation doing business in this State shall be discharged or voluntarily quit the service of such corporation it shall be the duty of the superintendent or manager of said corporation, upon the request of such employee (if such employee shall have been in the service of said corporation for a period of at least ninety days), to issue to such employee a letter, duly signed by such superintendent or manager, setting forth the nature and character of service rendered by such employee to such corporation and the duration thereof, and truly stating for what cause, if any, such employee has quit such service; and if any such superintendent or manager shall fail or refuse to issue such letter to such employee when so requested by such employee, such superintendent or manager shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment.

This section is constitutional and does not interfere with the freedom to contract without due process of law. Prudential Ins. Co. *v.* Cheek, 259 S. W. 530, 42 Sup. Ct. 516.

SEC. 9782. *Notice of reduction of wages.*—Any railway, mining, express, telegraph, manufacturing, or other company or corporation doing business in this State, and desiring to reduce the wages of its employees or any of them, shall give to the employees to be affected thereby thirty days' notice thereof.

SEC. 9783. *How notice may be given.*—Such notice may be given by posting a written or printed handbill, specifying the class of employees whose wages are to be reduced and the amount of the reduction, in a conspicuous place in or about the shops, station, office, depot, or other place where said employees may be at work, or by mailing each employee a copy of said notice or handbill, and such company or corporation violating any of the provisions of the preceding section shall forfeit and pay each party affected thereby the sum of fifty dollars, to be recovered by civil action in the name of the injured party, with costs, before any court of competent jurisdiction.

Payment of wages

SECTION 9802. *Wages to be paid semimonthly.*—All corporations doing business in this State, which shall employ any mechanics, laborers, or other servants, shall pay the wages of such employees as often as semimonthly.

SEC. 9803. *Violations.*—Any corporation violating section 9802 of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five hundred dollars, for each offense.

This act is constitutional. 147 S. W. 118.

SEC. 9804. *Wages due on discharge.*—Whenever any corporation doing business in this State shall discharge, with or without cause, or refuse to further employ any servant or employee thereof, the unpaid wages of any such servant or employee then earned at the contract rate, without abatement or deduction, shall be and become due and payable on the day of such discharge or refusal to longer employ; and such servant or employee may request in writing of his foreman or the keeper of his time to have the money due him, or a valid check therefor, sent to any station or office where a regular agent is kept; and if the money aforesaid, or a valid check therefor, does not reach such station or office within seven days from the date it is so requested, then as a penalty for such nonpayment the wages of such servant or employee shall continue from the date of the discharge or refusal to further employ, at the same rate until paid: *Provided*, Such wages shall not continue more than sixty days, unless an action therefor shall be commenced within that time.

SEC. 9805. *Avoiding payment.*—No such servant or employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this law for such time as he so avoids payment.

SEC. 9806. *Discharge.*—Any such servant or employee whose employment is for a definite period of time, and who is discharged without cause before the expiration of such time, may, in addition to the penalty prescribed by this law, have an action against any such employer for any damages he may have sustained by reason of such wrongful discharge, and such action may be joined with an action for unpaid wages and penalty.

Bonds of railroad employees

SECTIONS 9893–9896. *Options; nonresident bondsmen.*—[Common carriers requiring employees to give bond may not require such bond to be executed by any particular company, and may not reject any bond offered except for financial insufficiency. Bonds by nonresident companies may not be required, nor shall they be accepted unless there is a resident agent on whom process can be served. Bonds must be for definite terms, and may not be canceled without consent, except for a breach of condition, when either party may cancel the same, after 10 days' notice.]

Railroads—Flagmen

SECTION 10044. *Knowledge of English required.*—All companies, corporations, lessees, owners, operators, or receivers of any railroad or railway company operating a railroad or railway in whole or in part in this State, are hereby prohibited from employing any person as a flagman for section crews or extra track gangs who are not able to read, write, and speak the English language plainly.

Street railways—Provisions for employees

SECTION 10108. *Seats.*—It shall be the duty of every corporation, company, individual, association of persons, their trustees, lessees, or receivers, that now or hereafter may own, control, operate, or manage any street or electrical railway in any part of this State, to furnish, for the convenience, health, and comfort of the conductor and motorman and the person or persons operating, controlling, and in charge of any and all its cars, one stool or seat for each and every such conductor, motorman, or person so operating, controlling, or in charge of any of its said cars and allow each and every such motorman, conductor, or person operating, controlling, or in charge of each, any and all its

said cars to use and occupy said stool or seat for a portion of each and every trip any such car may take for a distance of not less than twenty-five per cent of the full length of all the track or tracks traversed by said car.

SEC. 10109. *Heating vestibules.*—It shall be the duty of every corporation or company that now or hereafter may own, control, operate, or manage any electrical railway in any part of this State to furnish a heater in the front vestibule of the car for the convenience, health, and comfort of the conductor and motorman operating, controlling, and in charge of any and all its cars. This section shall not extend to electrical railways operated in cities having 150,000 or more inhabitants.

Accidents on railroads, etc.

SECTION 10454. *Reports; investigations.*—[Accidents on railroads and street railways must be reported to the public service commission where loss of life or personal injury is caused. The commission shall investigate such accidents as in its judgment require investigation. Notices are not to be admitted as evidence in suits for damages.]

Fire escapes on factories, etc.

SECTION 10961. *What buildings to have.*—It shall be the duty of the owner, proprietor, lessee, trustee, or keeper of every * * * factory, office building, except fireproof office buildings in which all structural parts are wholly of brick, stone, tile, concrete, reinforced concrete, iron, steel, or incombustible material and which are not used for lodging purposes in the State of Missouri, * * * which has a height of three or more stories, to provide said structure with iron or steel stair fire escapes attached to the exterior of said building and by stair cases located in the interior of said building. The fire escapes shall extend from the upper story to the ground, pavement, or sidewalk with iron or steel ladder from the upper story to the roof: *Provided, however*, That such fire escapes, if not continued to the ground, pavement, or sidewalk, shall be equipped with a counter-balance device attachment, appliance, or apparatus which shall extend from the floor level of the second story to the ground, pavement, or sidewalk. * * * In no case shall a fire escape run past a window where it is practicable to avoid it. All fire escapes required by this article, except as hereinbefore provided, must be of the kind known as stationary fire escapes. All buildings heretofore erected shall be made to conform to the provisions of this article.

SECS. 10962–10964. *Construction, etc.*—[Fire escapes in cities are to be constructed under the supervision of the city authorities and be subject to inspection by them. They shall be of such numbers as these authorities determine, but factories, etc., more than three stories in height, if of nonfireproof construction, shall have at least one escape for every 50 persons working above the second floor. New buildings must be so equipped upon or before their completion.]

SEC. 10973. *Doors to open outward.*—[Doors of factories having more than 20 employees must open outward.]

Employment of children—School attendance

SECTIONS 11323, 11325. *Attendance required.*—[School attendance is required up to 14 years of age, and up to 16 unless the child is regularly, lawfully, and usefully employed at least six hours per day. Attendance officers may visit all places of employment in the enforcement of this requirement.]

ACTS OF 1921

Employment of children—General provisions

(Page 184)

SECTION 1. *Age limit.*—[Children under 14 may not be employed in any gainful occupation during the hours when the public schools are in session.]

SEC. 2. *Certificates.*—[Certificates are required for the employment of children 14 to 16 years of age.]

SEC. 3 (as amended 1923, p. 129). *Hours.*—[Children under 16 may not be employed at any gainful occupation more than 8 hours per day or 48 hours per week, nor between 7 p. m. and 7 a. m.; but children 10 to 16 years of age, regularly attending day school, may work not more than two hours after 7 p. m.]

SEC. 4. *Exemptions.*—[This act does not apply to agricultural and domestic service, nor to children working for their parents or guardians; nor does it authorize the employment of a child under 16 in any dangerous occupation.]

SEC. 5. *Permits.*—[Children under 14 employed during vacation must have permits, and none over 14 and under 16 may be employed during school without such permit certificate, which must be renewed every three months.]

SEC. 6. *Dangerous occupations.*—[Employment under 16 is forbidden in a detailed list of dangerous and injurious occupations. For a similar list, see secs. 3145, 3148, Delaware Code.]

SECS. 7–11, 11a (added 1923, p. 130), 12. *Issue, etc., of permits.*—[Certificates are issued by the school authorities, only on a showing for a necessity of the employment, that the work is not dangerous or deleterious to health, with a certificate of mental and physical ability, and proof of age. Renewals may be had after 90 days on evidence of continuing necessity and good health. No fee is charged; a list of employed children must be posted, and certificates are open to inspection. If one person has denied any applicant a permit, no other person shall issue one within 30 days. A report of permits issued must be made quarterly to the State industrial inspector.]

SECS. 13, 14. *Violations.*—[The presence of a child under 16 in a work place is presumptive evidence of employment. Penalties for violations are imprisonment not over 6 months, or a fine not exceeding $500.]

ACTS OF 1923

Railroads—Provisions for accidents

(Page 332)

SECTION 1. *First-aid kits.*—Every company, corporation, lessee, owner, operator, or receiver or other person owning or operating a steam railroad in the State of Missouri in whole or in part shall provide each train so operated with a package containing the following articles and equipment and such other articles and equipment as may in the judgment and discretion of the management of the steam railroad or a medical department thereof be useful for first aid to persons who may be injured in the course of the operation of such train or trains: A standard package to contain two (2) pieces of sterile gauze, one (1) ribbon bandage, one (1) triangular cambric picric bandage in aseptic container, six (6) of these packages to make up one first-aid kit which shall contain written instructions for the use of such contents.

SEC. 2. *Use to be reported.*—The employees of each steam railroad in charge of such steam railroad train shall report to the office designated by the company whenever any such kit has been opened for use.

SEC. 3. *Violations.*—[Failure to comply with the provisions of this act entails a fine of not less than $5 nor more than $25 for each day's violation; but 3 days are allowed for replacing a package after use has been reported.]

MONTANA

CONSTITUTION

ARTICLE 15.—*Liability of employer for injuries to employees—Waivers*

SECTION 16. *Contracts limiting liabilities.*—It shall be unlawful for any person, company, or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement, whereby such persons, company, or corporation, shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company, or corporation, by reason of the negligence of such person, company, or corporation, or the agents or employees thereof; and such contracts shall be absolutely null and void.

ARTICLE 18.—*Bureau of agriculture, labor, and industry*

SECTION 1. *Assembly may provide for bureau.*—The legislative assembly may provide for a bureau of agriculture, labor, and industry, to be located at the capital and be under the control of a commissioner appointed by the governor subject to the confirmation of the senate. The commissioner shall hold his office for four years, and until his successor is appointed and qualified; his compensation shall be as provided by law.

ARTICLE 18.—*Employment of children in mines—Hours of labor of employees on public works and in mines, smelters, etc.*

SECTION 3. *Age limit of sixteen years.*—It shall be unlawful to employ children under the age of sixteen (16) years of age in underground mines.

SEC. 4. *Limit of eight hours per day.*—A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county, or State government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines.

SEC. 5. *Enforcement.*—The legislature by appropriate legislation shall provide for the enforcement of the provisions of this article.

REVISED CODES—1921

Bureau of child and animal protection

SECTION 336. *Bureau created.*—There is hereby created a State bureau of child and animal protection, for the purpose of enforcing the laws of the State of Montana pertaining to children and dumb animals, which may now or hereafter exist; and to promote the growth of education and sentiment favorable to the protection of children and dumb animals.

SEC. 340. *Deputies.*—[The secretary of the bureau may appoint six deputies, at a salary of $1,800 each, to exercise the same power and authority as himself. They are to be stationed in the chief cities of the State, but may be sent to any point therein, and report monthly to the secretary, by whom they may be removed at any time.]

SEC. 349. *Powers of secretary of bureau.*—The secretary is hereby vested with authority to make arrests of any person or persons violating any provisions of the laws relating to wrongs to children and dumb animals, and is hereby further vested with the authority to enter workshops, factories, stores, mines, mills, and smelters, and all other places where children may be employed, and do what may be necessary in the way of investigation, or otherwise, to enforce the laws pertaining to minor children and animals.

Employment of children—School attendance

SECTION 1135. *Attendance required.*—[School attendance is required up to 16 years of age, unless the child is 14 and his wages are necessary to the support

of its family, in which case employment is permitted if an age and schooling certificate is secured.]

SEC. 1136. *Certificates.*—[No child under 16 may be employed while the public schools are in session without an age and schooling certificate, issued by the school authorities. The age of 14 years and schooling to complete the eighth grade are required. Certificates must be open to inspection and must be returned to the issuing authorities when employment ceases.]

SEC. 1137. *Enforcement.*—[Truant officers appointed by the board of trustees of the school district may enter establishments where children may be employed for purposes of investigation and the enforcement of the provisions of this law.]

Bribery of employees

SECTIONS 1761–1764. *Accepting bonus.*—No chauffeur or other person having the care of a motor vehicle for the owner shall receive or take directly or indirectly any bonus, discount or other consideration for the purchase of supplies or parts of such motor vehicle or for work done thereon by others; and no person furnishing such supplies or parts, work or labor, shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, either directly or indirectly, any bonus, discount or other consideration.

Hours of labor, etc., on irrigation works

SECTION 1962. *Eight hours a day's labor.*—* * * In all contracts let under this act, eight hours shall constitute a day's work, and no Mongolian shall be employed thereon.

Private employment offices

SECTION 2434. *License fee.*—License must be obtained for the purposes hereinafter named, for which the county treasurer must require payment as follows:

* * * * * * *

4. For each keeper of an intelligence office, ten dollars per quarter.

* * * * * * *

Laundries to be licensed

SECTION 2440. *Fee.*—Every person engaged in laundry business, other than the steam-laundry business, shall pay a license of ten dollars per quarter: *Provided*, That this act shall not apply to the women engaged in the laundry business, where not more than two women are engaged or employed or kept at work, and said license shall be for one place of business only.

This statute was held to be constitutional. 33 Sup. Ct. 192.

Protection of employees on buildings

SEC. 2672. *Scaffolds.*—All scaffolds erected in this State for use in the erection, repair, alteration, or removal of buildings, shall be well and safely supported, and [of] sufficient width and properly secured, so as to insure the safety of persons working thereon or passing thereunder, or by the same, and to prevent the falling thereof, or of any material that may be used, placed, or deposited thereon.

SEC. 2673. *Protective floors.*—It shall be the duty of every owner, person, or corporation who shall have the direct and immediate supervision or control of the construction or remodeling of any building having more than three framed floors, whether some or all of said floors are above or below the established street grade, to provide and lay upon the upper side of the joists or girders, or both, of the first floor below the riveters and structural steel setters, a plank floor, which shall be la'd to form a good substantial temporary floor for the protection of employees and all persons engaged above or below, or on such temporary floor in such building: *Provided, however*, That where the permanent floor is in place on the floor herein required to be planked, a temporary protective floor shall not be required.

If the floor or permanent floor of the second floor, or of any other floor above the second, or roof, is being placed previous to the permanent floor immediately below the floor which is being arched or planked, a good, substantial temporary floor shall be laid on the joists and girders of the next lower floor.

For the purpose of this section, the lowest framed floor in the building shall be considered the first floor.

SEC. 2674. *Shields.*—In buildings more than three stories high, where persons are working on a scaffold or scaffolds on the outside of such buildings, such persons shall be protected by well-secured planking, set over the heads of such persons for the full width of the scaffolding on which they are working, if another story or stories are being raised above such persons during the time they are working on such outside scaffold or scaffolding.

SEC. 2675. *Stairways, etc., to be guarded.*—It shall be the duty of all owners, contractors, builders, or persons having the direct and immediate control or supervision of any buildings in course of erection, which shall be more than thirty feet high, to see that all stairways, elevator openings, flues, and all other openings in the floors shall be covered or properly protected: *Provided*, That wherever such building or buildings over three stories high are being erected in any city or town, other than a residence, temporary toilets in or convenient to such buildings shall be maintained for the convenience of employees.

SEC. 2676. *Violations.*—[Violations of foregoing sections entail fine, $100 to $200. Building inspectors or other authorities are authorized to enforce provisions of this act.]

Inspection of steam boilers

SECTION 2712. *Inspectors.*—[Not more than 4 inspectors of steam boilers are to be appointed by the industrial accident board, salaries and terms of office to be fixed by the board.]

SEC. 2713. *Qualifications.*—[Inspectors must be qualified by experience, and be holders of a first-class license as stationary engineer for the five years last past.]

SECS. 2714–2718. *Inspection.*—[Old boilers must be inspected before being put in use, and new boilers within 90 days thereafter. Annual inspections of all boilers are required, using hydrostatic pressure one-third greater than the steam pressure allowed. Thorough interior and exterior examination must also be made. The condition and material of the parts, their location, number, suitability, etc., must be approved, and factors of pressure are laid down for different types of boilers. Additional inspection may be made in the discretion of the inspectors; and owners, etc., must allow free access for inspection.]

SEC. 2722. *Certificates.*—[Inspectors may act jointly or separately, but the one making an inspection must certify the same under seal.]

SEC. 2723. *Fees.*—[Ten dollars may be charged for a boiler and its connections, and $5 additional for each connected boiler; in incorporated cities the fee for a boiler is $5. For traction engines and boilers on wheels, the fee is $10.

Penalties are prescribed for violations of the law, excess pressure, failure to prepare for inspection on notice, etc.]

SEC. 2726. *Boilers exempt.*—[Steam plants for heating private residences and locomotives used on commercial roads are exempt from the inspection herein provided.]

Fire escapes on factories, etc.

SECTION 2779. *Requirements.*—[Owners or occupants of factories, workshops, mercantile establishments, office buildings, etc., three or more stories in height must provide one or more adequate fire escapes, not less than one for each 5,000 feet of lot area covered by the building; or two if six or more stories in height. Escapes must be as far as possible from stairways, hatchways, etc., and from each other.]

SEC. 2780. *Specifications.*—[A concrete, iron, or steel stairway, or an iron or steel straight chute, or a construction of other fireproof material will satisfy the requirements of the foregoing section. The use of counterbalances is regulated, and the working stress is prescribed. The fire marshal is to promulgate minimum specifications for the construction of various types of fire escapes.]

SEC. 2781. *Guide signs and exit lights.*—[Owners and occupants must provide and maintain guide signs and exit lights sufficient to indicate the location of fire escapes and entrances thereto.]

SEC. 2782. *Enforcement.*—[Enforcement is vested in the fire marshal of the State.]

SEC. 2783. *Inspection.*—[The State fire marshal, local fire department chiefs, and mayors and justices of the peace where no fire department exists, are charged with the duty of inspection.]

Manufacture, etc., of explosives

SECTION 2797. *Who may enter factory.*—No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any factory, building, magazine, or car containing explosives in this State.

SEC. 2798. *Drivers.*—* * *.

It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in or upon such vehicle, to drive the vehicle while intoxicated, to drive the vehicle in a careless or reckless manner, or to load or unload such vehicle in a careless or reckless manner.

* * * * * * *

Mine regulations—Storage of explosives

SECTION 2807. *Amount.*—[The amount of blasting powder or other highly explosive substance that may be stored or deposited in any mine is limited to 3,000 pounds, and the place must not be such that an explosion would cut off the escape of workmen in the mine.]

Factory, etc., regulations—Safety provisions

SECTION 2819. *Industrial accident board.*—There is hereby created a board to consist of three members; the commissioner of agriculture, labor, and industry shall be one member; the State auditor shall be one member, and one member shall be appointed by the governor, which board shall be known as the industrial accident board, and shall have the powers, duties, and functions hereinafter conferred. The term of office of the appointed member of the board shall be for four years and until his successor shall have been appointed and qualified. He shall receive an annual salary of five thousand dollars, payable monthly, and shall be chairman of the board. The board shall elect one of their number as treasurer of the board.

SEC. 2820. *Vacancy.*—A vacancy in the office of the appointed member of the board shall be filled in the same manner as the original appointment, but shall only be for the unexpired term of such vacancy. The appointed member shall not be removed except for cause, and after a hearing had before and a finding made by the remaining members of the board, and both of the remaining members of the board must concur in the removal of the appointed member.

SEC. 2821. *Bond.*—Each member shall, upon entering upon the duties of his office, execute to the State of Montana and file with the secretary of state a bond in the sum herein prescribed, executed by not less than four responsible sureties, or by some surety company authorized to become sole surety on bonds in the State of Montana, such bond to be approved by the governor, and conditioned that he will faithfully and impartially discharge the duties of his office. Such bonds shall be in addition to any other bonds required by law to be furnished.

SEC. 2822. *Same.*—The bond of the treasurer of the board shall be in a sum to be fixed by the governor, not less than twenty-five thousand dollars, nor more than one hundred thousand dollars. The bonds of the members of the board other than the treasurer shall be in the sum of ten thousand dollars.

SEC. 2823. *Extra compensation.*—Neither the commissioner of labor and industry nor the State auditor shall receive any additional compensation for the duties imposed upon them by this act.

SEC. 2824. *Regulations, rules.*—A majority of the board shall constitute a quorum for the transaction of any business. A vacancy on the board shall not impair the right of the remaining members to perform all of the duties and exercise all the powers and authority of the board. The act of the majority of the board when in session as a board shall be deemed to be the act of the board, but any investigation, inquiry, or hearing which the board has power to undertake or to hold, may be undertaken or held by or before any member thereof, or any examiner or referee appointed by the board for that purpose. Every finding, order, decision, or award made by any commissioner, examiner, or referee, pursuant to such investigation, inquiry, or hearing, when approved and confirmed by the board and ordered filed in its office, shall be deemed to be the finding, order, decision, or award of the board.

SEC. 2825. *Seal.*—The board shall have a seal bearing the following inscription: "Industrial Accident Board, State of Montana, Seal." The seal shall

be affixed to all writs and authentications of copies of records, and to such other instruments as the board shall direct. All courts shall take judicial notice of said seal.

SEC. 2826. *Office.*—The board shall keep its principal office in the capital of the State, and shall be provided with suitable rooms, necessary office furniture, stationery, and other supplies. For the purpose of holding sessions in other places the board shall have power to rent temporary quarters.

SEC. 2827. *Secretary, duties.*—The board shall appoint a secretary who shall hold office at the pleasure of the board. It shall be the duty of the secretary to keep a full and true record of all the proceedings of the board; to issue all necessary processes, writs, warrants, and notices which the board is required or authorized to issue, and generally to perform such other duties as the board may prescribe.

SEC. 2828. *Personnel.*—The board shall employ such assistants and other employees as it may deem necessary to carry out the provisions of this act.

SEC. 2829. *Compensation.*—All officers and employees of the board shall receive such compensation for their services as may be fixed by the board, shall hold office at the pleasure of the board, shall perform such duties as are imposed on them by law or by the board.

SEC. 3012. *Safe place.*—No employer shall construct, maintain, or operate or cause to be constructed, maintained, or operated any place of employment that is not safe.

SEC. 3013. *Removing safety devices.*—No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for protection or any employee in such employment or place of employment, or fail or neglect to do anything reasonably necessary to protect the life and safety of himself and other employees.

SEC. 3014. *Power of board.*—The board is vested with full power and jurisdiction over, and shall have such supervision of every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place of employment.

SEC. 3015. *Safety devices and standards.*—The board shall have power, in addition to other powers herein granted, by general or special orders, rules, or regulations, or otherwise:

1. To declare and describe such safety devices, safeguards, or other means or methods of protection as are well adapted to render employees and places of employment safe;

2. To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance, and operation of safety devices, safeguards, and other means and methods of protection as may be necessary for the protection of the life and safety of employees;

3. To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe;

4. To require the performance of any act necessary for the protection of life and safety of employees;

5. To declare and prescribe the general form of industrial accident reports, the accidents to be reported, and the information to be furnished in connection therewith, and the time within which such reports shall be filed. Nothing in this act contained shall be construed to prevent the board from requiring supplemental accident reports: *Provided, however*, That where, by the laws of the State of Montana, the manner or method of carrying on any business, or the rules or regulations in relation thereto, or the character or kind of safety devices has been prescribed, no other or additional requirements shall be made by the board, but it shall be the duty of the board to see that the employer lives up to and obeys said laws.

SEC. 3016. *Notice of hearings.*—Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders, the board shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation, published and circulated in the State. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the board after a hearing has been had.

SEC. 3017. *Inspections.*—Every place of employment of a work or occupation defined by sections 2847 to 2852, inclusive [classifying occupations under the workmen's compensation act], to be hazardous shall be inspected at least once during each year by an inspector or examiner appointed by the board. Such inspection shall be for the purpose of determining the condition and operation of such places of employment, as regards the safety of employees working therein, and the use of safeguards, safety appliances, and reasonably safe tools and appliances.

SEC. 3018. *Reports.*—A report of such inspection shall be filed in the office of the board, and a copy thereof given the employer.

SEC. 3019. *Certificates.*—Each place of employment inspected as provided in section 3017, and found in a satisfactory condition shall receive from the board, upon payment of the inspection fees hereinafter provided for, a certificate to that effect, which certificate must be prominently displayed, under glass, in one of the principal places of the establishment so inspected.

SEC. 3020. *Orders.*—If, after such inspection and report thereof to the board, it shall be found that any such place of employment is not constructed, maintained or operated as provided in this act, the board shall order the installation, use, maintenance, and operation, within such reasonable time as the board may direct, of such safety devices, safeguards, and other means and methods of protection as may be necessary to reasonably insure the safety of the workmen employed therein, subject to the provisions of the preceding section.

SEC. 3021. *Closing place of work.*—If, after such inspection, the board or any inspector or examiner thereof shall find such place of employment in such an unsafe condition as to constitute an immediate menace to the safety of the workmen employed therein, the board, or any inspector or examiner thereof, may order any such place of employment closed, or the work therein to cease, until such safety devices, safeguards, and other means and methods or changes or removals, as may be ordered by the board, or any inspector or examiner thereof, shall have been installed, repaired, changed, or removed, and such place of employment put in such condition as will reasonably insure the safety of the workmen employed therein.

SEC. 3022. *Fees.*—For each annual inspection made under the provisions of this section, the employer shall pay, at the time of such inspection, a fee of five cents for each one thousand dollars or fraction thereof of his annual pay-roll for the preceding year; *Provided*, That no inspection fee under this section shall be less than five dollars.

SEC. 3023. *Ratio.*—The fees for any subsequent or reinspection made during any year in which an annual inspection shall have been made shall be:

Where the annual pay roll for the preceding year shall have been not more than twenty-five thousand dollars, five dollars;

Where the annual pay roll for the preceding year shall have been more than twenty-five thousand dollars, but not more than one hundred thousand dollars, ten dollars;

Where the annual pay roll for the preceding year shall have been more than one hundred thousand dollars, but not more than five hundred thousand dollars, twenty dollars;

Where the annual pay roll for the preceding year shall have been more than five hundred thousand dollars, but not more than one million dollars, forty dollars;

Where the annual pay roll for the preceding year shall have been more than one million dollars, fifty dollars.

SEC. 3024. *Funds go to treasurer.*—All fees received by the board for inspection, or for subsequent or reinspection, and all fines imposed or collected for a violation of the safety provisions of this act, shall be paid monthly to the State treasurer, who shall credit such payment to the industrial administration fund.

SEC. 3025. *Orders of board.*—Whenever the board shall find that any employment or place of employment is not safe, or that the practice or means or methods of operation or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such employments and places of employment, the board shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of the employees in such employments and places of employment, and may in said order direct that such additions, repairs, improvements, or changes be made; and such safety devices and safeguards be furnished, provided, and

used as are reasonably required to render such employment or places of employment safe, in the manner and within the time specified in such order.

Sec. 3026. *Time for compliance.*—The board may, upon application of any employer or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the board for an extension of time, which the board shall grant if it finds such an extension of time necessary.

Sec. 3027. *Investigations.*—Whenever the board shall learn, or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may summarily investigate the same, with or without notice or hearings, and enter and serve such order as may be necessary relative thereto.

Sec. 3028. *Compliance.*—Every employer, employee, and other person shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the board, and shall do everything necessary or proper in order to secure compliance with, and observance of every such order, decision, rule, or regulation.

Sec. 3029. *Powers of other boards, etc.*—Nothing contained in this act shall be construed to deprive any other public corporation, board, or department of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the board shall, by order, fix a standard of safety for employments or places of employment, such order shall, upon the filing by the board of a copy thereof with the secretary or clerk of any such public corporation to which or within whose jurisdiction it may apply, establish a minimum requirement concerning the matters covered by such order, and shall be construed in connection with any local order relative to the same matter and to amend or modify any requirement in such local order not up to the standard of the order of the board.

Sec. 3030. *Presumptions as to orders.*—Every order of the board, general or special, its rules or regulations, findings, or decisions shall be admissible in evidence in any prosecution for or suit to prevent the violation of any of the provisions of this act, and shall be presumed to be reasonable. This presumption is, however, a rebuttable presumption.

Sec. 3031. *Investigations of accidents.*—The board may investigate the cause of all industrial accidents occurring in any employment or place of employment, or directly or indirectly arising from or connected therewith, resulting in personal injury or death; and the board shall have the power to make such orders or recommendations with respect to such accidents as may be just and reasonable: *Provided*, That neither the order nor the recommendation of the board, nor any accident report filed with the board, shall be admitted as evidence in any action for damages or any proceeding to recover compensation, based on or arising out of such injury or death.

Sec. 3032. *Increase of premium rates.*—If, by reason of poor or careless management or otherwise, any place of employment be unduly dangerous in comparison with other like places of employment, and the employer operating the same shall not have complied with the safety provisions of this act, and such employer shall be under compensation plan No. 3, the board, in addition to any other penalty provided by this act, shall advance the rate upon such place of employment fifty per centum, and such advanced rate shall continue and be in force until such place of employment shall have ceased to be unduly dangerous in comparison with other like places of employment, and such employer shall have obtained a certificate of the inspector or examiner provided for herein.

Sec. 3033. *Violations.*—[Violations are misdemeanors.]

Industrial accident board—Boiler and mine inspectors

Sections 3034–3039. *Consolidation of offices.*—[The offices of inspector of boilers, inspector of mines, and State coal mine inspector are consolidated and placed under the industrial accident board. This board is to appoint not more than 4 boiler inspectors, 1 coal mine inspector, and 2 inspectors of quartz mines, terms and salaries to be fixed by the board, salaries to be approved by the governor. Boiler inspection districts are to be established and rules and regulations formulated for the inspection of boilers and mines. Existing laws as to the qualifications, etc., of inspectors are continued in force.]

Alien employees—Reports to industrial accident board

Section 3040. *Who to report.*—It shall hereafter be the duty of every person, association, or corporation employing more than fifty persons at one time,

within the State of Montana, to make out and file with the industrial accident board a regular quarterly report showing the names, ages, and residence of all their employees who are not citizens of the United States, and also of all employees who do not read and speak the English language. All such reports shall be made upon printed blank forms to be furnished by the industrial accident board, and shall, in addition to the foregoing facts, disclose the following, to wit:

1. The country of which said employee is a citizen;
2. The period of time which said employee has resided in the United States;
3. The period of time which said employee has been in the service of said employer;
4. Whether said employee be married or single, and if married, the residence of employee's wife and family;
5. What steps, if any, employee has taken to become a citizen of the United States;
6. What steps, if any, employee has taken to familiarize himself with the English language;
7. Such further and additional facts and information as shall be prescribed are required by said board.

SEC. 3041. *Blanks.*—It shall be the duty of the industrial accident board to prepare or cause to be prepared, all blank printed forms that shall be necessary to comply with the provisions hereof, which said blanks shall be furnished to all said employers, upon application therefor to said industrial accident board.

SEC. 3042. *Duty of employers.*—For the purpose of carrying out the provisions of this act, all employers of labor are hereby designated, for the purpose of receiving the information provided for in this act, agents and representatives of the industrial accident board, and it shall be the duty of all employees of such employers to furnish to the employers, upon their request, for and on behalf of said industrial accident board, all information necessary to enable the employers to make out and furnish the report or reports required by this act. In case of the failure or refusal of any employee to furnish to his employer the information provided for in this act, such fact shall be reported by the employer to the industrial accident board, and the industrial accident board is hereby authorized and empowered to cause such employee to appear before the industrial accident board, at such time and place as they may determine, and furnish the information required under the provisions of this act.

SEC. 3043. *Enforcement.*—The industrial accident board shall have full power and authority to make and prescribe all reasonable rules and regulations, and to prescribe all necessary penalties to secure a strict compliance with the provisions of this act, and every employer or employee or other person, who shall fail or refuse to comply with the provisions of this act, or with any rule or regulation of the industrial accident board, shall be deemed guilty of a misdemeanor.

Arbitration and conciliation of labor disputes—State board

SECTION 3052. *Appointment of board.*—There is a State board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board.

SEC. 3053. *Qualifications.*—One of the board must be an employer, or selected from some association representing employers of labor, and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

SEC. 3054. *Organization.*—The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor.

SEC. 3055. *Mediation.*—Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exists between an employer (if he employs twenty or more in the same general line of business in the State) and his employees, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report, and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

SEC. 3056. *Applications to be signed.*—The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employees interested on the other side, may in writing nominate, and the board may appoint, one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board information concerning the wages paid, the hours of labor, and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations within the State, of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the State such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application the board shall proceed no further thereupon without the consent of the adverse party. The board shall have power to summon as witness any operative or employee in the department of business affected, and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

SEC. 3057. *Decision.*—Upon the receipt of said application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to the public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year.

SEC. 3058. *Effect of decision.*—Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given

to employees by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine where the employees work.

SEC. 3059. *Local boards.*—The parties to any controversy or difference as described in section 3055 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employees, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the State board might have and exercise, and its decisions shall have whatever binding effect may be agreed upon by the parties to the controversy in written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. The decision of such board shall be rendered within ten days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the State board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of any city or two commissioners of any county that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the State board of the fact. Whenever it shall come to the knowledge of the State board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this State, involving an employer and his present or past employees, if at the time he is employing or up to the occurrence of the strike or lockout was employing not less than twenty persons in the same general line of business in any city, town, or county in this State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the State board; and said State board may, if it deems it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 3055 of this code. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance, and the amount due him shall be certified to the State board of examiners for auditing, and the same shall be paid as other expenses of the State from any moneys in the State treasury.

SEC. 3060. *Compensation.*—The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books and records, to be paid out of the treasury of the State, as by law provided.

Protection of employees on street railways—Brakes

SECTION 3061. *Inclosures.*—[Street railway cars in use between November 1 and May 1 must be provided with a sufficient inclosure to protect employees from exposure to the inclemencies of the weather, so constructed as not to interfere with the view. Summer cars must also be equipped with windshields extending completely across the front of the car.]

SEC. 3062. *Violations.*—[Violations are punishable by fines, $50 to $100, each day being a separate offense.]

SEC. 3063. *Enforcement.*—[It is the duty of county atterneys to enforce the foregoing sections.]

SECS. 3064, 3065. *Heating vestibules.*—[The vestibules of railway cars operated during the months, November to March, inclusive, must be heated the same as the interiors of such cars. Noncompliance subjects to a fine of $10 for each day.]

SEC. 3066. *Brakes.*—All double-track street-railway electric cars or trolley cars, so called, conveying passengers in the State of Montana, shall be fitted with at least two independently operating brakes, one of which must be mechanical, such as air-brake, electric short-circuiting brake, or electric-magnetic brake.

SEC. 3067. *Violation.*—Any corporation or person owning and operating street-railway cars, electric or trolley cars, failing to comply with the provisions of this act, shall be liable to a fine of ten dollars per car for each day operated without such equipment.

Hours of labor—Seats for females

SECTION 3068. *Eight hours for hoisting engineers.*—It shall be unlawful for any person or persons, company, or corporation, to operate or handle or to induce, persuade, or prevail upon any person or persons to operate or handle, for more than eight hours in twenty-four hours of each day, any hoisting-engine at or in any mine. This act shall apply only to such plants as are in continuous operation or are operated sixteen or more hours in twenty-four hours of each day, or at or in any mine where said hoisting-engine develops fifteen or more horsepower, or at or in any mine wherein there are fifteen or more men employed underground in twenty-four hours of each day: *Provided, however*, That the provisions of this act shall not apply to any person or persons operating any hoisting-engine more than eight hours in each twenty-four hours for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

SEC. 3069. *Violations.*—[Violations entail penalty of fine, $10 to $100, each day's continued violation being considered a separate offense.]

SEC. 3071. *Eight-hour day in mines, etc.*—The period of employment of workingmen in all underground mines or workings, including railroad or other tunnels, shall be eight hours per day, except in cases of emergency where life and property is in imminent danger.

SEC. 3072. *Smeltermen.*—The period of employment of workingmen in smelters, stamp mills, sampling works, concentrators, and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 3073. *Violations.*—[Violations of the two preceding sections are misdemeanors, subjecting to a fine, $100 to $500, or imprisonment, one to six months, or both.]

SEC. 3074. *Telephone service.*—On all lines of public telephones, operated in whole or in part within this State, it shall hereafter be unlawful for any owner, lessee, company, or corporation to hire or employ any operator or operators, other person or persons, to run or operate a telephone board or boards for more than nine hours in twenty-four hours, in cities or towns having a population of three thousand inhabitants, or over: *Provided, however*, That the provisions of this act shall not apply to any person or persons, operator or operators, operating any telephone board or boards more than nine hours in each twenty-four for the purpose of relieving another employee in case of sickness or other unforeseen cause or causes.

SEC. 3075. *Violations.*—[Violations of the foregoing section entail a fine not less than $100 nor more $500 each day constituting a separate offense.]

SEC. 3076. *Limit for females.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, telephone exchange room, or office, or telegraph office, laundry, hotel, or restaurant in this State, for more than eight hours in any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four of any one day: *Provided*, That females may be employed in retail stores to work not to exceed ten hours in any one day for one week immediately preceding Christmas Day.

SEC. 3077. *Seats.*—Every employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees and shall permit them to use such seats when they are not employed in the active duties of their employment.

SEC. 3078. *Violations.*—[Violations of the two preceding sections entail fines, $50 to $200, or imprisonment, ten to sixty days, or both.]

SEC. 3079. *Limit on public works.*—A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county, or State government, school districts of the first class, and on all contracts let by them, and for all janitors, engineers, firemen, caretakers, custodians, and laborers employed in or about any buildings, works, or grounds used or occupied for any purpose by any municipal, county, or State government, school districts of the first class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing, or treatment of coal.

SEC. 3080. *Violations.*—[Violations of the above section are punishable by fine of $100 to $500, or imprisonment, 30 days to six months, or both.]

Employing a workman in a mine in excess of the period fixed by this statute is legal negligence; the defenses of assumed risks and contributory negligence are not abolished, however, and the employee's act in working overtime was also a violation of the law and a contributing proximate cause, so that he can not recover damages for the resultant injury incurred during such unlawful employment. Melville *v.* Butte-Balaklava Copper Co., 130 Pac. 441.

Payment of wages

SECTION 3084. *Semimonthly pay day.*—Every employer of labor (except agricultural labor), whether a person, copartnership, or corporation, in the State of Montana, shall pay to his employee the wages earned each and every fifteen days in lawful money of the United States, or checks on banks convertible into cash on demand full face values thereof, and all such wages shall be due and payable, and shall be paid by such persons, copartnership, or corporation not later than the fifth and twentieth day of each calendar month for all such wages earned up to and within five days of the date of such payment: *Provided, however*, That if at such time of payment any employee shall be absent from the regular place of labor, he shall be entitled to such payment at any time thereafter: *Provided further*, That this act shall not affect any person, copartnership, or corporation, foreign or domestic, who shall have already established, and shall continue to maintain, a semimonthly or weekly pay-day.

SEC. 3085. *Failure to pay.*—Whenever any employer, whether a person, copartnership, or corporation, fails to pay any of his employees, as provided in the preceding section, then a penalty shall attach to such person, copartnership, or corporation, and become due such employees as follows: A sum equivalent to a penalty of five per cent of the wages due and not paid, as herein provided, as liquidated damages, and such penalty shall attach and suit may be brought in any court of competent jurisdiction to recover the same and the wages due.

SEC. 3086. *Discharged employees.*—Whenever any employee is discharged from the employ of any such person, copartnership, or corporation, except agricultural, on leaving said employment, then all the unpaid wages of such employees shall immediately become due and payable on demand, and if such person, copartnership, or corporation fails to pay any such discharged employee, within twenty-four hours after such discharge and demand, all the wages due and payable to him, then the same penalty of five per cent shall attach to said person, copartnership, or corporation, and become due such employee as provided in the preceding section; *Provided, however*, That if the employer shall, within the period herein specified, tender in money to such discharged employee, the full amount of the wages lawfully due such employee, the penalty herein provided shall not attach.

SEC. 3087. *Penalties.*—Any employee may recover all such penalties as are provided for the violation of section 3085 of this code, which have accrued to him, at any time within six months succeeding such default or delay in the payment of such wages.

SEC. 3088. *Waivers unlawful.*—Any contract or agreement made between any person, copartnership, or corporation and any parties in his, its, or their employ, whose provision shall be in violation, evasion, or circumvention of this act, shall be unlawful and void; but such employee may sue to recover his wages earned, together with such five per cent penalty, or separately to recover the penalty, if the wages have been paid.

SEC. 3089. *Attorneys' fees.*—Whenever it shall become necessary for the employee to enter or maintain a suit at law for the recovery or collection of wages due, as provided for by this act, then such judgment shall include a reasonable attorney's fee in favor of the successful party, to be taxed as part of the costs in the case.

Employment of females—Equal pay for equal work

SECTION 3090. *Discrimination forbidden.*—It shall be unlawful for any person, firm, State, county, municipal, or school district, public or private corporation, to employ any woman or women in any occupation or calling within the State of Montana for salaries, wages, or compensation which are less than that paid to men for equivalent service or for the same amount or class of work or labor in the same industry, school, establishment, office, or place of any kind or description.

SEC. 3091. *Violations.*—[Violations are punishable by fine, $25 to $500 for each offense.]

Blacklisting—Statement of cause of discharge

SECTION 3092. *Preventing employment of discharged employee.*—If any person, after having discharged an employee from his service, prevents or attempts to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, such person is punishable as provided in section 11219 of the Penal Code, and is liable in punitive damages to such discharged person, to be recovered by civil action; no person is prohibited from informing, by word or writing, any person to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

SEC. 3093. *Damages.*—If any company or corporation in this State authorizes or allows any of its agents to blacklist, or any person does blacklist, any discharged employee, or attempts by word or writing, or any other means whatever, to prevent any discharged employee, or any employee who may have voluntarily left said company's service, from obtaining employment with another person, except as provided for in the next preceding section, such company or corporation or person is liable in punitive damages to such employee so prevented from obtaining employment, to be recovered by him in civil action; and is also punishable as provided in section 11219 of the Penal Code.

SEC. 3094. *Reason for discharge to be furnished.*—It is the duty of any person, after having discharged any employee from his service, upon demand by such discharged employee, to furnish him in writing a full, succinct, and complete statement of the reason of his discharge, and if such person refuses so to do within a reasonable time after such demand it is unlawful thereafter for such person to furnish any statement of the reason of such discharge to any person, or in any way to blacklist or to prevent such discharged person from procuring employment elsewhere, subject to the penalties and damages prescribed in this chapter.

Employment of children—General provisions

SECTION 3095. *Dangerous occupations.*—[Specified dangerous occupations are forbidden for children under 16, as mines, mills, smelters, railroads, messenger service, or any occupation known to be dangerous, unhealthful or detrimental to morals.]

SEC. 3096. *Violations by parents.*—[Parents, etc., who allow any child under their care to be employed in violation of the above are guilty of a misdemeanor.]

SEC. 3097. *Record.*—[The commissioner of labor and industry is directed to compile from reports furnished by county superintendents of schools a list of the children of the State under 16 years of age.]

SEC. 3098. *Certificates.*—[Children attaining the age of 16 may apply to the commissioner for a certificate of age, to be presented when seeking employment. No employer in the occupations named in section 3095 may employ a child without such a certificate.]

SEC. 3099. *Enforcement.*—[The commissioner of labor and industry, the bureau of child and animal protection and county attorneys, each on their own motion, or on complaint by any reputable citizen, must prosecute violations.]

SEC. 3100. *Penalties.*—[Fines of from $25 to $500, or imprisonment from 30 days to 6 months or both, are penalties for violations.]

Mine regulations—Quartz mines

SECTIONS 3418–3420. *Inspection.*—[Inspectors appointed by the industrial accident board must visit and inspect all quartz mines once every year, and whenever a signed complaint of dangerous conditions is presented. Investigation of workings, timbering, exits, safety devices, etc., is required, and if unsafe conditions are found, suspension of work other than of repairs may be ordered. Owners must in all cases be notified of defects, and failure to obey an inspector's requirements is prima facie evidence of gross negligence in case of any legal procedure on account of injury due to unsafe conditions. Owners must give needed assistance to inspectors.]

SEC. 3423. *Investigation after accidents.*—[All serious and fatal accidents must be reported immediately to the industrial accident board, and an inspector must at once investigate the cause, and if possible attend the inquest in case of fatal accidents. If the inspector can not go to the place, the owner or person in charge must secure written statements duly sworn to, from witnesses, or those first discovering the injury. If the facts warrant, criminal prosecutions may be instituted.]

SEC. 3424. *Annual reports.*—[The industrial accident board must annually report to the governor accidents of a serious nature and their cause; also statistics as to mining and the results of the inspectors' labors.]

SEC. 3425. *Scope.*—[These regulations do not apply to mines in which less than 5 men are employed; but if 5 or more men are employed in any metalliferous mine, the name, location, etc., must be reported to the inspector.]

SECS. 3427–3435. *Safety.*—[The use of safety cages and other apparatus in mines of a depth of more than 200 feet is required. Shafts and openings for ventilation, etc., must be properly guarded.]

Mine regulations—Coal mines

SECTIONS 3447–3458. *Inspector.*—[A State inspector is to be appointed by the industrial accident board, at least 30 years of age, with a competent knowledge of mine operations, and the holder of a certificate from a board of examiners. It is his duty to inspect all coal mines and their workings, equipment, drainage, ventilation, etc., and to make suggestions as to provisions for the health and safety of employees. Owners, etc., are to cooperate, and may personally or by a representative accompany the inspector. An employee may also accompany him, by designation of the employees, or at the request of the inspector.

The inspector is to be furnished by the State with suitable instruments, and may not act as agent for any mining company or be interested in any mining operation. He must make annual reports of the condition of the mines and of all accidents occurring in or about them and set forth such recommendations for legislation as he may deem important. The inspector must post at the entrance of each mine visited a statement of the conditions therein and of changes necessary for the better protection of life and health of employees.

The inspector is ex officio sealer of weights and measures so far as relates to coal mines and mining, and must test mine scales on request of the owner or operator, or of 10 employees.

A verified petition, signed by 50 or more reputable citizens, charging an inspector with neglect, malfeasance, etc., is ground for citation to appear in a court, and if the charges are substantiated, the facts must be certified to the industrial accident board, which shall then declare the office vacant.]

SECS. 3459–3468, 3472–3476, 3478. *Examination and licensing.*—[The industrial accident board must appoint a board of examiners consisting of a practical coal miner, recommended by the coal miners of the State, an operator, recommended by a majority of the operators, and the State inspector. This board is to examine applicants for positions as State inspector, mine foremen and mine examiners, and grant certificates to those who successfully pass the examinations. Standards are prescribed for each, including age, experience, and technical knowledge, 75 per cent being the minimum passing grade. No person may act as mine foreman, mine examiner or fire boss without a certificate, except temporarily, until opportunity to take the examination provided.]

SECS. 3479–3546. *Safety code.*—[The provisions of the safety regulations require maps, with annual surveys, two exits, passages around shafts at bottom, the guarding of shafts, etc., safety cages for hoisting men, ventilation, timber supply, the removal of combustible matter, etc. Wash houses must be

provided; weighman employed, with right to the workmen to employ a check-weighman at their own expense; and underground stables effectively separated from the main air course. Inspections, blasting, storage of explosives, illuminating oils, and the use of safety lamps are regulated; the duties of mining machine runners prescribed, a code of signals established, and the provision of first aid supplies, stretchers, etc., directed. Immediate notice of serious accidents must be given the State inspector, and if he deems necessary he shall invesigate the same. In case of death and inquest, one-third the jurymen shall, if possible, be miners. Hoisting engineers must be in constant attendance, and retain personal charge of the machinery. Miners must not be allowed to work alone unless they show 9 months' experience (12 for work in gaseous mines) under the direction of a practical miner.

Operators must make prescribed statistical returns, and are subject to a penalty of $25 for each day that they operate in violation of the provisions of the law. Penalties apply also to employees, and to dealers in illuminating oil, for violations of the act.]

Department of agriculture, labor, and industries

SECTION 3555. *Purpose.*—There is hereby created a department of the government of the State of Montana to be known as the "department of agriculture, labor, and industry." The general purpose of said department is the promotion of the agricultural and labor interests of the State of Montana as hereafter more specifically provided.

SEC. 3556. *Title.*—The chief executive officer of the department of agriculture, labor, and industry, hereinafter referred to as the commissioner of agriculture, shall be a commissioner of agriculture, to be appointed by the governor, by and with the consent of the senate, and such commissioner shall hold office for a term of four years or until his successor is appointed and qualified.

SEC. 3557. *Surety.*—Before entering upon the duties of his office, the commissioner of agriculture shall take and subscribe the constitutional oath of office, and shall give a surety company bond in the sum of five thousand dollars, conditioned for the faithful performance of his duties, the cost of said bond to be paid by the State. The commissioner shall receive an annual salary of five thousand dollars, payable in the same manner as the salaries of other State officers, and shall be allowed such expenses as may be actually and necessarily incurred in the performance of his duties. He shall maintain his office at the State capitol.

SEC. 3558. *Authority.*—The commissioner of agriculture is empowered to prescribe regulations not inconsistent with law for the government of his department, the conduct of its employees and clerks, the distribution and performance of its business and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto. He shall also have authority to designate the form of and to use a seal to authenticate his official acts.

SEC. 3559. *Assistants.*—The commissioner of agriculture shall have the authority to appoint for the performance of the work of said department such number of secretaries, assistants, clerks, and other employees as he shall deem necessary for the performance of the work of the department, subject, however, to the approval of the State board of examiners. All persons so employed shall receive the compensation fixed by law or fixed by the board or department to whom may be intrusted the power to fix the compensation of deputy State officers and employees: if not so fixed, the commissioner of agriculture shall determine the amount of said compensation. No employee of the department of agriculture, labor, and industry who is paid a fixed compensation shall receive pay for any extra services rendered by him unless expressly authorized by law.

SEC. 3563. *Divisions.*—There shall be four main divisions of the department of agriculture, labor, and industry, to wit:

The division of farming and dairying.

The division of grain standards and marketing.

The division of horticulture.

The division of labor and publicity.

The divisions hereby created are intended for the sole purpose of promoting the logical and convenient classification of the work of the department, and nothing herein contained shall be deemed to prevent any person engaged

in the work of a particular division from performing the work of another division; the commissioner may likewise create additional divisions at his discretion.

SEC. 3635. *Division of labor.*—The department of agriculture, labor, and industry, through the division of labor and publicity, shall be charged with the duty of enforcing all the laws of Montana relating to hours of labor, conditions of labor, protection of employees, and all laws relating to child labor regulating the employment of children in any manner; it shall also be the duty of such division to administer all the laws of the State relative to free employment offices.

SEC. 3636. *Employment agencies.*—It is the duty of the city council of any incorporated city of the first or second class within this State, and it shall be lawful for the city council of any other incorporated city, to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the department of agriculture, labor, and industry shall contain a detailed account of all such free employment offices within the State showing the number of applicants for employment, the number securing employment, and the expenses of maintaining such office.

SEC. 3637. *Powers.*—In discharging the duties imposed upon the division of labor and publicity the commissioner of agriculture shall have power to administer oaths, to examine witnesses under oath, to take depositions or cause same to be taken, to deputize any male citizen over the age of twenty-one years to serve subpœnas upon witnesses, and to issue subpœnas for the attendance of witnesses before him in the same manner as for attendance before district courts. The commissioner of agriculture shall likewise have the authority to inspect any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop, or other industrial establishment, and any person who shall refuse to the commissioner admission to any of the industrial establishments herein enumerated when admission is requested for the purpose of inspection, or who shall, when requested by the commissioner, willfully neglect or refuse to furnish to him any statistics or other information which may be in the possession or under the control of such person, or who shall refuse to obey any subpœna issued by the commissioner, shall be deemed guilty of a misdemeanor and be punished accordingly. Nothing herein contained shall in any manner confer upon the commissioner of agriculture the authority to interfere in any manner with the conduct of the matters under the control of the industrial accident board, nor shall said commissioner be charged with the duty of enforcing any of the laws of the State of Montana pertaining to the affairs of said industrial accident board, nor with the enforcement of the safety provisions of the workmen's compensation act.

SEC. 3649. *Violations.*—[Fine of not exceeding $500, or imprisonment not to exceed six months, or both, are penalties for violations.]

Railroads—Investigation, etc., of accidents

SECTIONS 3798, 3799. *Reports.*—[Railroad companies must report promptly to the railroad commissioners of the State all accidents causing death or sufficient personal injury to require medical or surgical attention, whereupon the board shall make inquiry with reference thereto, filing the testimony in its office.]

Railroads—Observance of safety provisions

SECTION 3819. *Enforcement.*—It is hereby made the duty of the board of railroad commissioners to make inquiry into the observance by all railroads within this State of the laws of the United States and of the State of Montana intended to safeguard the lives of the employees of persons or corporations engaged in operating the same, and to lay complaint before the proper officer, State or Federal, of any infraction of any of such laws, and to prosecute before the proper court or tribunal any person guilty of violation of the penal provisions thereof.

SEC. 3820. *Report.*—Said board shall, in its annual report, set out what effort it has made to carry out the provisions of this act, with the results thereof, and in detail what steps it has taken to procure to be prosecuted any violations of any such acts of which it has secured information.

SEC. 3827. *Equipment may be ordered.*—The railroad commission of the State of Montana shall have full authority, after notice and hearing, to make and enforce rules and regulations providing for the installation on and equipment of trains, cars, or engines with safety appliances, and shall have authority to inspect the same and enforce regulations with regard thereto, such inspection rules and regulations to be from time to time coextensive with the requirements of, and in conformity to, the provisions of the acts of Congress and rules and regulations of the Interstate Commerce Commission as then effective.

SEC. 3828. *Inspection.*—The railroad commission of the State of Montana shall have the power and authority to examine and inspect all brakes and brake equipment and, after notice and hearing, to make and enforce reasonable rules and regulations with respect to the examination, inspection, and repair thereof, with a view of determining the proper measure of efficiency of said brakes and brake equipment. Such rules and regulations to be from time to time coextensive with the requirements of and in conformity to the provisions of the acts of Congress, and rules and regulations of the Interstate Commerce Commission as then effective.

Inspection of steam vessels

SECTIONS 3859–3862, 3870, 3873. *Inspector, duties.*—[An inspector of steam vessels and other water craft, except private pleasure boats, is to be appointed by the board of railroad commissioners. He is to inspect annually or as often as the commission may order boats, barges, equipment, boilers, etc., and may require changes and improvements deemed expedient for safety. Fees are charged according to tonnage, from $10 to $30.]

Accidents to public-service employees—Investigations

SECTION 3907. *Reports.*—[All accidents causing death or injury must be reported by public utilities to the public service commission, whose duty it is to investigate all accidents of such gravity as to require medical or surgical attention. Reports of accidents are to be included in the annual report of the commission.]

Private employment offices

SECTION 4157. *Definitions.*—["Person" includes firms, etc.; and "agency" means any office charging a fee to employer or employee, teachers' agencies excepted.]

SECS. 4158–4160. *License.*—[A license from the county treasurer must be procured showing name of holder, location of agency, and date of issue. A fee of $5 is charged by affidavits of character.]

SECS. 4161, 4162. *Bond.*—[A bond must be given in the penal sum of $3,000, conditioned on compliance with the law, and for the benefit of persons aggrieved by the misconduct of the licensed person.]

SEC. 4163. *Registers.*—[Separate registers must be kept, approved by the county treasurer, of applicants for positions and for help, giving names, addresses, fees collected; and for employers, the wages agreed upon.]

SECS. 4164–4167. *Fees.*—[Fees charged applicants for employment may not exceed $3, which shall, on demand, be repaid in full if through no fault of the applicant no position is obtained within 5 days. Receipts must be given, and a card furnished applicants showing the name and address of the agency and of the prospective employer. No gift in lieu of fees may be received, and the dividing of fees is forbidden.]

SEC. 4168. *Posting.*—[Copies of the act must be posted in all agencies.]

SEC. 4169. *Sending outside county.*—[Agents sending contract laborers outside the county must, within 5 days thereafter, file with the county treasurer the names and addresses of employers and employees, kind and conditions of work, wages, terms of transportation, etc.]

SEC. 4170. *Immoral, etc., resorts.*—[No female may be sent to any place of questionable or immoral character, the nature of which could have been learned by reasonable inquiry.]

SEC. 4171. *Fraud.*—[False and fraudulent advertising, giving false information, and making false promises are forbidden. All printed matter must give the name and address of the agency.]

SEC. 4172. *Penalties.*—[Violations entail fines from $100 to $500, imprisonment to 90 days, or both.]

Injuries to railroad employees—Medical aid—Employers' liability

SECTION 6602. *Calling in physicians.*—In case any railroad trainman or employee of any railroad doing business in this State shall be injured during his regular course of employment, any employee of said railroad is hereby empowered and authorized to call upon aud retain the services of the nearest practicing physician or surgeon to care for and treat any such injured trainman or employee, during and until such time as one of the regularly employed and paid physicians or surgeons of such railroad corporation is able to render such service.

SEC. 6603. *Fee.*—In cases where the services of any physician or surgeon other than the regularly employed physician or surgeon of the railroad corporation are retained and hired as provided in the preceding section, such physician or surgeon shall be compensated and paid a reasonable fee for such services performed by him as provided in the preceding section.

SEC. 6604. *Railroad to pay in reasonable time.*—If any railroad corporation refuses or neglects to pay for the services of any such physician as hereinbefore provided for within a reasonable time after such physician or surgeon has rendered the services therefor, such railroad corporation shall be guilty of a misdemeanor.

SEC. 6605. *Liability declared.*—Every person or corporation operating a railroad iu this State shall be liable in damages to any person suffering iujury while he is employed by such person or corporation so operating any such railroad, or in case of the death of such employee, instantaneously or otherwise, to his or her personal representative for the benefit of the surviving widow or husband aud children of such employee, and if none, then of such employee's parents, and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such persou or corporation so operating such railroad, in or about the handling, movement, or operation of any train, engine, or car, on or over such railroad, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 6606. *Negligenee to be measured.*—In all actions hereafter brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this act, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided,* That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such person or corporation, so operating such railroad, of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 6607. *Risks not assumed, when.*—An employee of any such person or corporation so operating such railroad shall not be deemed to have assumed any risk incident to his employment, when such risk arises by reason of the negligence of his employer, or of any person in the service of such employer.

SEC. 6608. *Contracts, etc., exempting from liability.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any such person or corporation so operating such railroad to exempt itself from any liability created by this act, shall, to that extent, be void: *Provided,* That in any action brought against any such person or corporation so operating such railroad, under or by virtue of any of the provisions of this act, such person or corporation may set off therein any sum it has contributed or paid to any insurance, relief beuefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action is brought.

Railroads—Losses to employees from changing terminals

SECTION 6623. *Removal.*—When any railroad or railway company operating its line of road in, into, or through the State of Montana shall move any of its division points or terminals, it shall be liable to any employee of such railroad or railway company for any damage sustained by such employee by reason of any decrease in value of any real property actually occupied by such employee as his place of residence, which decrease in value shall be caused by reason of the removal of such division point or terminal: *Provided,* Such em-

ployee shall have in such property so damaged an estate of freehold. Such damages shall be collectible in any court of competent jurisdiction.

SEC. 6624. *Release.—Provided,* That when any railroad or railway company in good faith determines upon a change or removal of any division point or terminal, and in good faith posts prominently about its station house, shops, and yards a statement of its intention so to do, in such manner as to give reasonable notice thereof to such employee, it shall not be liable as hereinbefore provided for any decrease in value of any interest in any property purchased after the time of such posting: *Provided,* That such division point or terminal shall be changed or removed within six months after the date of such posting.

Employers' liability—Waivers

SECTION 7555. *Contracts invalid.*—Any contract or agreement entered into by any person, company, or corporation with its servants or employees, whereby such person, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company, or corporation, by reason of the negligence of such person, company, or corporation, or the agents or employees thereof, shall be absolutely null and void.

Employment of labor—General provisions

SECTION 7756. *Contract defined.*—The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer, or of a third person.

SEC. 7757. *Employees to be indemnified, when.*—An employer must indemnify his employee, except as prescribed in the next section, for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such, or of his obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying such directions, believed them to be unlawful.

SEC. 7758. *Ordinary risks.*—An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed.

SEC. 7759. *Want of care.*—An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

SEC. 7763. *Acts of superintendents and others in mines, etc.*—Every company, corporation, or individual, operating any mine, smelter, or mill for the refining of ores, shall be liable for any damages sustained by any employees thereof within this State, without contributing negligence on his part, when such damage is caused by the negligence of any superintendent, foreman, shift-boss, hoisting or other engineer, or cranemen.

This section takes away the defense of fellow-service in the cases enumerated, but does not affect that of contributory negligence, which, however, must be pleaded unless it appears from the employee's own pleading or proof. 132 Pac. 552.

SEC. 7764. *Contracts.*—No contract of insurance, relief, benefit, or indemnity in case of injury or death, nor any other contract entered into before the injury, between the person injured and any of the employers named in this act, shall constitute any bar or defense to any cause of action brought under the provision of this act.

SEC. 7765. *Death.*—In case of the death of any such employees in consequence of any injury or damages so sustained, the right of action shall survive and may be prosecuted and maintained by their heirs or personal representatives.

SEC. 7766. *Acts of employees.*—Every person or corporation operating a railway or railroad in this State shall be liable for all damages sustained by any employee of such person or corporation in consequence of the neglect of any other employee or employees thereof, or by the mismanagement of any other employee or employees thereof, and in consequence of the willful wrongs, whether of commission or omission, of any other employee or employees thereof, when such neglect, mismanagement, or wrongs are, in any manner connected with the use and operation of any railway or railroad on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

SEC. 7767. *Death.*—In case of the death of any such employee in consequence of any injury or damage so sustained, the right of action shall survive and may be prosecuted and maintained by his heirs or personal representatives.

A similar law which this supersedes was held to apply to all persons engaged in operating the road, and to be constitutional. 92 Pac. 469.

SEC. 7768. *Service without consideration.*—One who, without consideration, undertakes to do a service for another, is not bound to perform the same, but if he actually enters upon its performance, he must use at least slight care and diligence therein.

SEC. 7769. *Employment on request.*—One who, by his own special request, induces another to intrust him with the performance of a service, must perform the same fully. In other cases, one who undertakes a gratuitous service may relinquish it at any time.

SEC. 7770. *Accepting written power of attorney.*—A gratuitous employee, who accepts a written power of attorney, must act under it so long as it remains in force or until he gives notice to his employer that he will not do so.

SEC. 7771. *Service for consideration.*—One who, for a good consideration, agrees to serve another, must perform the service and must use ordinary care and diligence therein, so long as he is thus employed.

SEC. 7772. *Service for personal advantage.*—One who is employed at his own request to do that which is more for his own advantage than for that of his employer must use great care and diligence therein to protect the interest of the latter.

SEC. 7773. *Limit of term of contract.*—A contract to render personal service, other than a contract of apprenticeship, * * * can not be enforced against the employee beyond the term of two years from the commencement of service under it; but if the employee voluntarily continues his service under it beyond that time, the contract may be referred to as affording a presumptive measure of the compensation.

SEC. 7774. *Obedience to orders.*—An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, except where such obedience is impossible or unlawful, or would impose new and unreasonable burdens upon the employee.

SEC. 7775. *Usage of place.*—An employee must perform his service in conformity to the usage of the place of performance, unless otherwise directed by his employer, or unless it is impracticable, or manifestly injurious to his employer to do so.

SEC. 7776. *Degree of skill.*—An employee is bound to exercise a reasonable degree of skill, unless his employer has notice, before employing him, of his want of skill.

SEC. 7777. *Same subject.*—An employee is always bound to use such skill as he possesses, so far as the same is required, for the service specified.

SEC. 7778. *Acquisitions by employee.*—Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

SEC. 7779. *Accounts.*—An employee must, on demand, render to his employer just accounts of all his transactions in the course of his service, as often as may be reasonable, and must, without demand, give prompt notice to his employer of everything which he receives for his account.

SEC. 7780. *Goods received may be held until demand.*—An employee who receives anything on account of his employer, in any capacity other than that of a mere servant, is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance, without demand, in any mode involving greater risk than its retention by the employee himself.

SEC. 7781. *Employer's business has precedence.*—An employee who has any business to transact on his own account similar to that intrusted to him by his employer must always give the latter the preference.

SEC. 7782. *Substitutes.*—An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

SEC. 7783. *Culpable negligence.*—An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him, if the service is not gratuitous, for the value of such services only as are properly rendered.

SEC. 7784. *Survivor of joint employees.*—Where service is to be rendered by two or more persons jointly, and one of them dies, the survivor must act alone, if the service to be rendered is such as he can rightly perform without the aid of the deceased person, but not otherwise.

SEC. 7786. *Termination of employment.*—Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

SEC. 7787. *Same subject.*—Every employment is terminated:

1. By the expiration of its appointed term;
2. By the extinction of its subject;
3. By the death of the employee; or,
4. By his legal incapacity to act as such.

SEC. 7788. *Continuance after death of employer.*—An employee, unless the term of his service has expired, or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest, until a reasonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service acording to the terms of the contract of employment.

SEC. 7789. *Termination at will.*—An employment having no specified term may be terminated at the will of either party, on notice to the other, except where otherwise provided by sections 7756 to 7809 of this code.

SEC. 7790. *Breach of duty by employee.*—An employment, even for a specified term, may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment, or in case of his habitual neglect of his duty or continued incapacity to perform it.

SEC. 7791. *By employer.*—An employment, even for a specified term, may be terminated by the employee at any time in case of any willful or permanent breach of the obligations of his employer to him as an employee.

SEC. 7792. *Forfeiture of wages.*—An employee, dismissed by his employer for good cause, is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

SEC. 7793. *Proportionate compensation.*—An employee who quits the service of his employer for good cause is entitled to such proportion of the compensation which would become due in case of full performance as the services which he has already rendered bear to the services which he was to render as full performance.

SEC. 7794. *Definition.*—A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

SEC. 7795. *Measure of terms of service.*—A servant is presumed to have been hired for such length of time as the parties adopt for the estimation of wages. A hiring at a yearly rate is presumed to be for one year; a hiring at a daily rate for one day; a hiring by piece-work for no specified term.

SEC. 7796. *Monthly term presumed.*—In the absence of any agreement or custom as to the term of service, the time of payment, or rate or value of wages, a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

SEC. 7797. *Renewal presumed, when*—Where, after the expiration of an agreement respecting the wages and the term of service, the parties continue the relation of master and servant, they are presumed to have renewed the agreement for the same wages and term of service.

SEC. 7798. *Employee's time.*—The entire time of a domestic servant belongs to the master, and the time of other servants to such extent as is usual in the business in which they serve, not exceeding in any case ten hours in the day.

SEC. 7799. *Delivery of goods, etc.*—A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives for his account, without demand; but he is not bound, without orders from his master, to send anything to him through another person.

SEC. 7800. *Discharge for cause.*—A master may discharge any servant, other than an apprentice, whether engaged for a fixed term of not:

1. If he is guilty of misconduct in the course of his service, or of gross immorality, though unconnected with the same; or,
2. If, being employed about the person of his master, or in a confidential position, the master discovers that he has been guilty of misconduct, before

or after the commencement of his service, of such a nature that, if the master had known or contemplated it, he would not have so employed him.

SEC. 7810. *Service without employment.*—One who officially [officiously], and without the consent of the real or apparet owner of a thing, takes into his possession for the purpose of rendering service about it, must complete such service, and use ordinary care, diligence, and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses, incurred by him about such service, from any profits which his service has caused the thing to acquire for its owner, and must account to the owner for the residue.

Wages as preferred claims—In assignments, etc.

SECTION 8351. *Assignments.*—[Wages of miners, mechanics, salesmen, servants, clerks, or laborers to the amount of $200 each, earned within the 60 days preceding, are to be paid before all other claims against an assignor or insolvent person.]

SEC. 8352. *Attorneys' fees.*—[A reasonable attorney's fee is to be allowed claimants if the claim is established, or the defendant if it fails.]

SEC. 8353. *Administration.*—[The same rights as in sec. 8351 are allowed in case of the death of an employer, subject to funeral expenses, expenses of last sickness, costs of administration, and the allowance to the widow and infant children.]

SECS. 8354–8356. *Attachments, etc.*—[In case of executions, attachments, etc., except for wage debts, the claims of laborers, etc., as above are a prior claim on assets, to the amount of $200 each, earned within 60 days preceding the levy.]

SEC. 8358. *Prior mortgages.*—[All the foregoing provisions are subject to prior existing encumbrances.]

SEC. 8616. *Assignments.*—[Same as sec. 8351, but includes associations, corporations, etc., as well as persons.]

Injunctions in labor disputes

SECTION 9242. An injunction can not be granted:

* * * * * * *

8. *When not to be granted.*—In labor disputes under any other or different circumstances or conditions than if the controversy were of another or different character, or between parties neither or none of whom were laborers or interested in labor questions.

Exemption of wages

SECTION 9429. *Amount.*—[The earnings of a judgment debtor for 45 days prior to the levy are exempt from execution on a showing that they are necessary for the support of a dependent family; but if the debt was incurred for necessaries, one-half such earnings are subject to execution.]

Attorney's fees in suits for wages

SECTION 9800. *Fee allowed.*—[A reasonable attorney's fee is to be allowed if a claimant establishes a wage claim as provided in section 8351.]

Protection of employees as voters

SECTION 10770. *Attempting to influence employees.*—It shall be unlawful for any employer, in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" and upon which there is written or printed the name of any candidate or political mottoes, devices, or arguments containing threats or promise, express or implied, calculated or intended to influence the political opinions or actions of such employees. Nor shall it be lawful for an employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat or promise, notice, or information, that in case any particular ticket or political party, or organization, or candidate, shall be elected, work in his place or es-

tablishment will cease, in whole or in part, or shall be continued or increased, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced or increased, or other threats, or promises, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees. This section shall apply to corporations as well as individuals, and any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and imprisonment not exceeding six months in the county jail, and any corporation violating this section shall be punished by fine not to exceed five thousand dollars, or forfeit its charter, or both such fine and forfeiture.

Antitrust law—Labor organizations exempt

SECTION 10902. *Exemption of wage agreements.*—The provisions of this act do not apply to any arrangements, agreement, or combination between laborers, made with the object of lessening the number of hours of labor or increasing wages.

Employment of children in certain occupations forbidden

SECTION 11021. *Mendicant, etc., occupations.*—[The employment of children under 16 in mendicant, acrobatic, etc., occupations is forbidden. For text of similar law see sec. 2223, Delaware Code.]

Protection of discharged employees

SECTION 11219. *Violations.*—[It is a misdemeanor to violate the provisions of sections 3092–3094.]

Employment of labor—False representations—Choice of boarding houses

SECTION 11220. *Deception.*—It shall be unlawful for any person or persons, society, company, association, corporation, or organization of any kind doing business in this State to induce, influence, persuade, or engage workmen to change from one place to another in this State, through or by means of deception, misrepresentation, and false advertising concerning the kind or character of the work, or the sanitary or other conditions of employment, or as to the existence of a strike or other trouble pending between the employer and the employees, at the time of, or immediately prior to such engagement. Failure to state in any advertisement, proposal, or contract for the employment of workmen that there is a strike, lockout, or other labor trouble at the place of the proposed employment, when in fact such strike, lockout, or other trouble then actually exists at such place, shall be deemed a false advertisement and misrepresentation for the purpose of this act.

SEC. 11221. *Violations.*—[Violations incur penalty of fine, $100 to $2,000.]

SEC. 11222. *Recovery of damages.*—Any workman of this State or any workman of any State who has been or shall be influenced, induced, or persuaded to engage with any person mentioned in section 11220 of this code, through or by means of any of the things prohibited by this code, shall have a right of action for recovery of all damages that he has sustained in consequence of the deception, misrepresentation, and false advertising used to induce him to change his place of employment, against any person, corporation, company, or association directly or indirectly procuring such change, and in addition thereto, he shall recover reasonable attorney's fees to be fixed by the court and taxed as costs in any judgment recovered.

SEC. 11223. *Coercion forbidden.*—It shall be unlawful for any person, firm, company, or corporation now operating or who shall hereafter operate a boarding house in connection with their general business, either directly or through others, to compel an employee to board in such boarding-house against his will.

SEC. 11224. *Penalty.*—Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars.

Mine regulations—Quartz mines

SECTION 11268. *Cages.*—[In mines with vertical shafts more than 300 feet in depth, an iron-bonneted cage must be used for lowering and hoisting workmen. The construction, equipment and inspection are prescribed in detail.]

SEC. 11269. *Stoping.*—[Stoping within less than 25 feet of a shaft is forbidden, if other work is being carried on below the stoping.]

SEC. 11270. *Speed of cage.*—[Cages used for hoisting and lowering men may not exceed a speed of 80 feet per minute.]

SEC. 11271. *Buildings.*—[Blacksmith shops or drying rooms must not be within 50 feet of the mouth of a tunnel or shaft, unless fireproof.]

SEC. 11272. *Penalties.*—[Violations of the above provisions entail fines of from $300 to $1,000.]

SEC. 11273. *Escape shaft.*—[A second exit must be provided in mines of 100 or more feet in depth where the shaft is covered by a building that is not fireproof, and operations have been carried on by drifting and stoping designated distances.]

SEC. 11274. *Scope.*—[The provisions of the preceding section apply only to quartz mines in which 9 or more men are employed underground at stoping, and which have a nonfireproof building within 30 feet of the shaft.]

Employment of labor

SECTION 11402. *Contracts releasing from liability.*—Every person, company, or corporation which requires of its servants or employees, as a condition of their employment or otherwise, any contract or agreement whereby such person, company, or corporation is released or discharged from liability or responsibility on account of personal injuries received by such servants or employees, while in the service of such person, company, or corporation, by reason of the negligence of such person, company, or corporation, or the agents or employees thereof, is punishable by imprisonment in the State prison not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

SEC. 11403. *Wage debts.*—Every person, company, or corporation indebted to another person for labor, or any agent of any person, copartnership, or corporation so indebted, who shall, with intent to secure from such other person a discount upon the payment of such indebtedness, willfully refuse to pay the same, or falsely deny the same, or the amount or validity thereof, or that the same is due, is guilty of a misdemeanor: *Provided, however,* That nothing herein contained shall prohibit any employer from fixing regular pay days for the payment of wages or salary earned in the calendar month immediately preceding such pay days, except in cases where the employee is discharged.

SEC. 11404. *Accepting fees forbidden.*—Any superintendent, foreman, assistant, boss, or any other person or persons who shall receive or solicit, or cause to be received or solicited, any sum of money or other valuable consideration from any person for or on account of the employment or the continuing of the employment of such person, or of anyone else, or for or on account of any promise or agreement to employ or to continue to employ any such person, or anyone else, shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than one thousand dollars, or undergo an imprisonment in the county jail of not more than one year, or both, at the discretion of the court.

SEC. 11405. *Witnesses.*—No person shall be excused from attending or testifying, or producing any books, papers, documents, or anything, or things before any court or magistrate upon any investigation, proceeding, or trial for a violation of any of the provisions of this act, upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to convict him of a crime, or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify, or produce evidence, of documentary, or otherwise; and no testimony or evidence so given or produced shall be received against him in any civil or criminal proceeding, action, or investigation.

NEBRASKA

CONSTITUTION

ARTICLE XV

SECTION 8. *Employment of women and children—Minimum wage.*—Laws may be enacted regulating the hours and conditions of employment of women and children, and securing to such employees a proper minimum wage.

SEC. 9. *Labor disputes—Industrial commission.*—Laws may be enacted providing for the investigation, submission, and determination of controversies between employers and employees in any business or vocation affected with a public interest, and for the prevention of unfair business practices and unconscionable gains in any business or vocation affecting the public welfare. An industrial commission may be created for the purpose of administering such laws, and appeals shall lie to the supreme court from the final orders and judgments of such commission.

COMPILED STATUTES—1922

Wages as preferred claims—In assignments

SECTION 246. *Amount.*—[Debts for clerks' or servants' wages in an amount not exceeding $100 may be paid or secured without being subject to the laws governing the property of assignments generally.]

Protection of employees as voters

SECTION 2346. *Threatening discharge or close of business.*—It shall be unlawful for any person or persons, firm, company, or corporation employing any voter in the State of Nebraska to coerce or in any way attempt to coerce such voter in his voting or any other political action at any primary, caucus, convention, or election held or to be held in this State or to attempt to influence the political action of such voter by threatening to discharge him because of his political action, or by threats on the part of such person or persons, firm, company, or corporation to close his or its place of business in the event of the election of any candidate for public office, or in the event of the success of any political party at any election; and any person or persons, firm, company, or corporation in this State found guilty of a violation of this section shall be fined not more than one hundred dollars or be imprisoned not to exceed thirty days in the county jail.

Suits for wages—Homesteads not exempt

SECTION 2818. *Exception.*—The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

First. On debts secured by mechanics', laborers', or vendors' liens upon the premises; * * *.

Railroads—Regulation of employment—Liability for injuries—Accidents

SECTION 5389. *Pay days established.*—Every railroad company authorized to do business by the laws of the State of Nebraska shall, on or before the first day of each month pay the employees thereof the wages earned by them during the first half of the preceding month, ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place where the next pay is due; any such railroad company which shall

violate any of the provisions of this act shall forfeit and pay the sum of $25 for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same; one half of said penalty to go to said person so suing therefor, and the other half to go to the State: *Provided further*, Complaint of such violation be made within sixty days from the date such wages become payable, according to the tenor of this act.

SEC. 5390. *Agreements forbidden.*—It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for a penalty provided for in section one of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State.

SEC. 5410 (as amended 1923, ch. 81). *Liability.*—Every railway company operating a railway engine, car, or train in the State of Nebraska shall be liable to any of its employees who at the time of injury are engaged in construction or repair work or in the use and operation of any engine, car, or train for such company, or in the case of his death to his personal representatives for the benefit of his widow and children, if any; if none, then to his parents; if none, then to his next of kin dependent upon him; for all damages which may result from negligence of any of its officers, agents, or employees, or by reason of any defects or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works, or for failure to furnish adequate tools, appliances, or devices to enable its employees to perform their duties in a safe and proper manner, where such failure to furnish adequate tools, appliances, or devices renders it necessary for an employee under the direction of a foreman or other superior in the employ of any such railroad company to provide a substitute or substitutes for such tools, appliances, or devices to accomplish such work, and such employee so furnishing the substitute or substitutes for such tool, appliances, or devices shall not be deemed guilty of contributory negligence if the substitute or substitutes so furnished or provided by him shall prove inadequate or defective.

SEC. 5411. *Comparative negligence.*—In all actions brought against any railway company to recover damages for personal injuries to an employee, or when such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery when his contributory negligence was slight and that of the employer was gross in comparison, but damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; all questions of negligence and contributory negligence shall be for the jury.

Though this statute enforces a different rule against railroads from that applicable to other classes of litigants it is not unconstitutional; nor does the fact that the act covers subjects embraced within the Federal safety appliance laws invalidate its provisions abolishing the fellow-service doctrine. 32 Sup. Ct. 606.

SEC. 5412 (as amended 1923, ch. 80). *Contracts not a bar.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death entered into, by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee, nor shall the recovery of any damages by an employee against the railroad company in any action brought therefor, impair in any way the right of the employee to the insurance, relief benefit, or indemnity provided in his contract for such relief benefit and insurance: *Provided, however*, In any action against any common carrier for damages the defendant may set off any sum it may have contributed toward the insurance, relief benefit or indemnity that may have been paid to the injured employee, or in case of his death to his personal representative. And no agreement hereafter or heretofore made, making the recovery of relief benefits or insurance conditioned upon the recovery or nonrecovery of damages by the employee against the employer, shall be of any force or validity, but such employee may recover his insurance or relief benefits notwithstanding any such contract or agreement.

SEC. 5455. *Certain employees to be twenty-one years of age.*—It shall be unlawful for any common carrier within this State to put in charge of any telegraph office or signal tower between the hours of 7 o'clock in the evening and 7 o'clock in the morning, any telegraph operator or towerman whose duty it shall be to assist in the movement of trains, unless such telegraph operator or towerman shall have reached the age of at least twenty-one years: *Provided*, This section shall not apply when such common carrier is engaged in relieving its tracks of a train wreck, an act of God, or some public calamity.

SEC. 5456. *Violations.*—[Penalty for violation is a fine, $5 to $50, for each night of illegal employment.]

SEC. 5495 (as amended, 1923, ch. 171). *Reports of accidents, etc.*—Every common carrier incorporated or doing business in this State shall, on or before the 31st day of March of each year, transmit to the office of the railway commission a full and complete statement, under the oath of its proper officers, of the affairs of such common carrier, as the same existed on the 31st day of December next preceding. Such statement shall show:

* * * * * * *

Twenty-fourth. The number of employees killed and the number of employees injured by accident, and the cause or causes of such accident.

Twenty-sixth. An itemized statement of the amount of all damages paid on account of injuries to or the death of persons by reasons of accidents, stating in separate items the amounts paid on account of injuries or the death of employees, passengers, and other persons.

Protection of employees on street railways

SECTION 5563. *Inclosed platforms.*—[Electric, cable, etc., cars requiring a person to be on the platform must have such platform inclosed so as to protect the workman from the winds and inclemencies of the weather from November 1 to April 1 of each year.]

SEC. 5564. *Prohibition.*—[Use of car without such inclosed platform is forbidden.]

SEC. 5565. *Violations.*—[Violations entail fine or imprisonment, each day's use being a separate offense; act does not apply to trailers.]

SEC. 5566. *Enforcement.*—[County attorneys must prosecute violators on information.]

Employment of children—School attendance

SECTION 6508. *Requirement.*—[Attendance is required to 16, except that if a child is 14, has completed the 8th grade, and his services or earnings are needed for his own support or of actual dependents he may be excused. However, if there is a part-time school in the district he must attend it for 8 hours per week throughout the school year.]

Railroads—Height of wires above tracks

SECTIONS 7101–7108. *Clearance.*—[The State railway commission is given power to regulate the crossing of railroad tracks by electric or other wires, and may order changes where wires do not conform to standards fixed. The clearance must not be less than 25 feet, except that trolley wires may not be less than 22 feet from the top of the rails.]

Department of Labor—General powers

SECTION 7654. *Functions.*—The governor, through the agency of the department of labor created by this act, shall have the power:

1. To foster, promote, and develop the welfare of wage earners;
2. To improve working conditions;
3. To advance opportunities for profitable employment;
4. To collect, collate, assort, systematize, and report statistical details relating to all departments of labor, especially in its relation to commercial, industrial, social, economic, and educational conditions, and to the permanent prosperity of the manufacturing and productive industries;
5. To require [acquire] and diffuse useful information on subjects connected with labor in the most general and comprehensive sense of the word;

6. To acquire and diffuse among the people useful information concerning the means of promoting the material, social, intellectual, and moral prosperity of laboring men and women;

7. To acquire and diffuse information as to the conditions of employment and such other facts as may be deemed of value to the industrial interests of the State;

8. To acquire and diffuse information in relation to the prevention of accidents, occupational disease, and other related subjects;

9. To administer and enforce the workmen's compensation laws or employers' liability acts of the State, and for that purpose the secretary of the department of labor shall be the deputy commissioner of labor and compensation commissioner, and the duty hereby imposed upon him, as such, of executing all of the provisions of Article VIII, chapter 35, Revised Statutes of Nebraska for the year 1913 [ch. 28, relating to workmen's compensation], and any and all act or acts amendatory thereof.

SEC. 7655. *Law enforcement.*—In addition to the general powers conferred upon the governor in the preceding article he is hereby invested with the power and charged with the duty of enforcing, through the agency of the department of labor created by this act, all of the provisions contained in this article and all provisions which may be hereafter enacted as amendatory thereof.

SEC. 7656. *Free employment offices.*—The department of labor shall establish and maintain in its office and in connection therewith a free public employment bureau.

Employment of women

SECTION 7657. *Seats for females.*—It shall be the duty of every agent, proprietor, superintendent, or employer of female help within the State of Nebraska to provide a chair, stool, or seat for each and every such employee, upon which their female workers shall be allowed to rest when their duties will permit, or when said position does not interfere with the faithful discharge of their duties.

SEC. 7658. *Penalty.*—Any agent, proprietor, superintendent, or employer in the State of Nebraska faling to comply with the requirements of the preceding section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than ten ($10) dollars nor more than two hundred ($200) dollars and stand committed until such fine be paid, and shall also be liable to an action for damages to the employee whose health has been injured by such neglect.

SEC. 7659. *Work time.*—In metropolitan cities and cities of the first class no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, office, or by any public-service corporation in this State more than nine hours during any one day or more than fifty-four hours in one week. The hours of each day may be so arranged as to permit the employment of such female at any time from six o'clock a. m. to ten o'clock p. m., but in no case shall such employment exceed nine hours in any one day, nor shall such female be employed except by public-service corporations between the hours of 10 p. m. and 6 a. m.

SEC. 7660. *Schedule to be posted.*—Every such employer shall post, in a conspicuous place in every room where such females are employed, a printed notice stating the number of hours of work required each day, the hours of commencing and stopping, the time allowed for meals. Printed forms for such notices shall be furnished by the department.

SEC. 7661. *Violations.*—[Penalty is a fine, $20 to $50 for each offense.]

Employment of labor—Service letter

SECTION 7666. *Service letters.*—Whenever any employee of any public-service corporation or of a contractor who works for such corporation or contractor doing business in the State of Nebraska shall be discharged or voluntarily quits the service of his employer, it shall be the duty of the superintendent or manager, or contractor, upon the request of such employee, to issue to such employee a service letter, setting forth the nature of the service rendered by such employee to such corporation or contractor, and the duration thereof, and truly stating the cause for which such employee was discharged or quit such service.

SEC. 7667. *Form.*—Such letter shall be written in its entirety upon a plain sheet of white paper to be selected by such employee. No printed blank shall

be used, and if such letter be written on a typewriter, it shall be signed with a pen and black ink, and immediately beneath the signature shall be affixed the official stamp or seal of such superintendent, manager, or other official of such corporation, or contractor, in an upright position. There shall be no figures, words, or letters used upon such piece of paper except such as are plainly essential either in the date line or address or the body of the letter or the signature and seal or stamp thereof, and no such letter shall have any picture, imprint, character, design, device, impression, or mark, either in the body or the face or back thereof.

SEC. 7668. *Failure to issue.*—If any superintendent, manager, or contractor shall fail or refuse to issue such letter to such employees [on] request, or willfully fail, or negligently refuse to give such letter, or fail to state the facts therein correctly, he shall, upon conviction, be punished by a fine of not less than one hundred ($100) dollars, nor more than five hundred ($500) dollars, for each offense, or by imprisonment in the county jail for a period of not less than one month and not more than one year.

Employment of children—General provisions

SECTION 7669. *Age.*—[Children under 14 may not be employed in any theater, concert hall, mercantile institution, office, hotel, laundry, factory, workshop, or as messenger or driver, or in any bowling alley or to operate elevators; or in any employment whatever during school hours.]

SECS. 7670–7677. *Certificates.*—[Certificates are required to 16, based on school records (completion of 8th grade), evidence of age and of physical fitness; a medical certificate must be had in doubtful cases. Proof of age may be required in cases of children apparently under 16 but claiming to be of that age.]

SEC. 7678. *Work time.*—[Children under 16 may not be employed in the occupations named in sec. 7669 more than 8 hours per day or between 8 p. m. and 6 a. m. Schedules must be posted.]

SEC. 7679. *Violations.*—[Penalties of fine or imprisonment are prescribed for violations.]

SEC. 7680. *Evidence.*—[The presence of a child in a place of employment, apparently at work, is prima facie evidence of employment therein.]

SEC. 7681. *Dangerous occupations.*—[No child under 16 may be employed in any work or place dangerous to life or limb or injurious to health or morals.]

Factory, etc., regulations

SECTION 7682. *Water closets.*—[Every factory or other building where one or more persons are employed must be provided with a sufficient number of accessible water-closets, earth closets, etc., separate for the sexes, and properly kept. The department of labor may require changes in placing, etc.]

SEC. 7683. *Dressing rooms.*—In factories, mills, or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such character that it becomes necessary to change the clothing, wholly or in part, before leaving the building at the close of the day's work, separate dressing rooms shall be provided for females whenever so required by the department of labor. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this article, to make all the changes and additions thereto. In case such changes are made upon the order of the department of labor, to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnership having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 7684. *Fans.*—If in any of the aforesaid places, any process is carried on by which dust or fumes are caused, which may be inhaled by the persons employed therein, or if the air should become exhausted or impure, there shall be [provided] a fan or other such mechanical device as will substantially carry away all such dust or fumes or other impurities, subject to the approval of the department of labor.

SEC. 7685. *Ventilation.*—All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy, or nuisance, and shall be ventilated and kept in a sanitary condition. The department of labor or any

person authorized by the department may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

SEC. 7686. *Blowers.*—All persons, companies, or corporations operating any factory or workshop where grinding wheels or grinding machines, emery wheels, or emery belts of any description are used, either solid emery, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or carborundum or cotton wheels used as buffs, shall, when deemed necessary by the department of labor, provide such wheels or belts with blowers or similar apparatus, which shall be placed over, beside, or under such wheels or belts in such manner as to protect the person or persons using the same from particles of dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belt while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, Grinding machines upon which water is used at the point of grinding contact and other wheels used for tool grinding shall be exempt from the provisions of this article.

SEC. 7687. *Grindstones.*—No emery wheels or grindstones in any factory, mill, or workshop shall be used when known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

SEC. 7688. *Hoods.*—Each and every emery wheel and grindstone shall be fitted with a sheet or cast iron hood or hopper, of such form so adjusted that the dust or refuse therefrom will fall or be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe.

SEC. 7689. *Suction pipes.*—Every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and every wheel exceeding thirty-six inches in diameter shall be provided with a suction pipe not less than six inches in diameter. The suction pipe from each wheel shall be of full size to its terminus, and a suction pipe to which smaller pipes are attached shall, in its capacity, be equal to the combined capacities of all smaller pipes attached thereto, and the discharge pipe shall be of as large capacity as, or larger capacity than, the combined capacities of all the suction pipes.

SEC. 7690. *Guards.*—Every person operating a plant where machinery is used, shall provide such guards, boxing, screens or other appliances as will protect employees against injury from belting, shafting, gearing, elevators, drums, saws, cogs, electric currents, molten metal or hot liquid. He shall also furnish and supply belt shifters which can be operated from the floor. All exposed cogs or gears shall be inclosed in metal casings or woven wire screens; protruding set screws in collars and couplings of shaftings or other revolving machinery shall be countersunk or covered with metal boxing; pulleys belts and projections of or from ends of shaftings shall be protected by boxing or inclosing with metal or other suitable material. Belts shall not rest on shafting in motion, but rest hooks shall be provided to hold belting free therefrom. Roll guards shall be placed on roll feed machines fed by hand at the point where the material is fed and a device for instantly stopping the machine by the hand or foot shall also be provided within reach of the operator when operating the machine.

SEC. 7691. *Screens.*—A metal or other suitable screen shall be placed around each laundry extractor or other exposed high-speed revolving machinery.

SEC. 7692. *Wood planers, etc.*—Wood planers, wood shapers, swing saws, equalizing saws, circular heading jointers, wood polishers, buzz planers, lathe bolters, and all similar machinery shall be equipped with requisite safety appliances.

SEC. 7693. *Approval.*—All safety appliances prescribed by this article shall be subject to the approval of the department of labor.

SEC. 7694. *Electric switches.*—Signs or indicating lamps shall be placed at all switches, in electric light and power plants or other places where high-pressure currents are used, to show whether the current is on or off the circuit. When current is turned off a circuit for repair, the switch shall first be tagged, the tag bearing the name of the person for whom it is turned off. The tag shall not be removed or the current turned on until the person for whom it was tagged shall notify the operator that his work has ceased.

SEC. 7695. *Elevators.*—Every elevator, whether freight or passenger, shall be equipped with a speed-governor safety device and with gates or doors to be not less than five feet in height, and all freight elevators shall be equipped with a signal or gong.

SEC. 7696. *Entering boilers.*—Where a number of boilers deliver to a common steam main, they shall be equipped with a shut-off or throttle valve for each boiler to take it out of service for repairs and inspection necessitating the entry therein of workmen. A metal shield shall be constructed covering the hand wheel of the valve, hinging in the center and containing hasp and lock. The shield shall be painted red and marked with the words, "Man in Boiler." The workman shall be allowed to retain key in his possession while in said boiler.

SEC. 7697. *Fire escapes.*—Every factory or other institution more than two stories in height shall be equipped with outside fireproof iron stairways, chutes, or toboggans and one automatic fire escape for every fifteen persons working or congregating therein at any time, who, for any reason, are unable to reach or use the outside fireproof stairways, chutes, or toboggans.

SEC. 7698. *Accidents to be reported.*—Every person operating a plant where machinery is used, shall report in writing to the department of labor all fatal accidents within forty-eight hours after their occurrence, and all other accidents within two weeks after their occurrence. Such report shall state fully the cause of the accidents, the nature and extent of the injuries, and the probable loss of time which will result therefrom.

SEC. 7699. *Violations.*—Every person operating a plant where machinery is used who shall violate any of the provisions of this article shall be liable in damages to any person injured as a result thereof, or to the heirs of any person who shall have died as a result thereof.

SEC. 7700. *Assumption of risks.*—The continuance by any person in the employ of any such operator shall not be deemed an assumption of the risk of such employment.

SEC. 7701. *Penalty.*—Every person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and shall on conviction thereof be fined in any sum not less than ten ($10) dollars nor more than one hundred ($100) dollars.

Protection of employees on buildings

SECTION 7702. *Scaffolds, etc.*—All scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances used in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, or other structure, shall be erected and constructed in a safe, suitable, and proper manner. Scaffolding or staging, swung or suspended from an overhead support and more than twenty feet from the ground floor, shall have, where practicable, a safety rail properly bolted, secured, and braced, raising at least thirty-four inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof and properly attached thereto, and such scaffolding and staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 7703. *Floors.*—If in any house, building, or structure in process of erection or construction, except a private barn or a private house, the distance between the enclosed walls is more than twenty-four feet in the clear there shall be built, kept, and maintained proper intermediate supports for the joists, which supports shall be either brick walls or iron or steel columns, beams, trusses, or girders. The floors in all such houses, buildings, or structures shall be capable of bearing in all their parts, in addition to the weight of the floor construction, partitions and permanent fixtures and mechanisms that may be set upon the same, a live load of fifty pounds for every square foot of floor surface.

SEC. 7704. *Loading.*—The owner of every house, building, or structure, except a private barn or private house, shall affix and display conspicuously on each floor of such building during construction a placard stating the load per square foot of floor surface which may with safety be applied to the particular floor during construction; or if the strength of different parts of any floor varies, then there shall be placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on the placard, and all such placards

shall be verified and approved by the department of labor or other proper authority in the city or village charged with the enforcement of building laws.

SEC. 7705. *Inspection.*—Whenever it shall come to the notice of the department of labor or the local authority in any city or village of this State, charged with the duty of enforcing the building laws that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding, platform or other similar device, used in the construction, alteration, removing, repairing, cleaning or painting of buildings, bridges or viaducts within this State are unsafe, or liable to prove dangerous to the life or limb of any person, the department of labor or such local authority or authorities, shall immediately cause an inspection to be made of such scaffolding, platform or device, or the slings, hammocks, blocks, pulleys, stays, braces, ladders, iron or other parts connected therewith. If after examination, such scaffolding, platform or device, of any such parts, is found to be dangerous to the life or limb of any person, the department of labor or such local authority shall at once notify the person responsible for its erection or maintenance, of such fact and warn him against the use, maintenance or operation thereof, and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffold, platform or other such device, or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall cease using and immediately remove such scaffolding, platform or other device or part thereof, and alter or strengthen it in such manner as to render it safe. The department of labor, or such local authority, whose duty it is, under the terms of this article, to examine or test any scaffolding, platform, or other device, or part thereof, required to be erected and maintained by this section, shall have free access at all reasonable hours to any building or structure or premises containing such scaffolding, platform or other similar device, or parts thereof, or where they may be in use. All swinging and stationary scaffolding, platforms or other devices shall be so constructed as to bear four times the maximum weight required to be dependent thereon, or placed thereon when in use, and such swing, scaffolding, platform, or other device shall not be so overloaded or crowded as to render the same unsafe or dangerous.

SEC. 7706. *Secondary scaffolds.*—Any person employing or directing another to perform labor of any kind in erecting, altering, repairing, or painting of any water pipe, standpipe, tank, smokestack, chimney, tower, steeple, pole, staff, dome, or cupola when the use of any scaffolding, staging, swing, hammock, support, temporary platform or other similar contrivance is required or used in the performance of such labor shall keep and maintain at all times, while such labor is being performed and such mechanical device is in use or operation, a safe and proper scaffold, stay, support, [or] other suitable device, not more than sixteen feet below such working scaffold, staging, swing, hammock, support, or temporary platform, when such work is being performed at a height of thirty-two feet or more.

SEC. 7707. *Flooring to be filled in.*—All contractors and owners, when constructing buildings where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brick work, shall complete the flooring or filling in as the building progresses, to within at least two tiers or beams below that on which the iron work is being erected. If the plans and specifications of such building do not require filling in between the beams of floors with brick or fireproof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof, or a safe temporary floor on each story as the building progresses to within at least two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel the contractors for the iron or steel work of buildings in the course of construction or the owners of such buildings, shall thoroughly plank over the entire tier or (of) iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of buildings, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 7708. *Hoist shafts.*—If elevating machines or hoisting apparatus are used within a building in the course of construction for the purpose of lifting materials to be used in such construction, the contractors or owners shall cause

the shafts or openings in each floor to be inclosed or fenced in on all sides by a substantial barrier or railing at least eight feet in height. Any hoisting machines or engines used in such building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly secured and supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is five stories or more in height, no material needed for such construction shall be hoisted or lifted over public streets or alleys unless such street or alley shall be barricaded from use by the public. The chief officer in any city or village charged with the enforcement of local building laws and ordinances shall cooperate with the department of labor in enforcing the provisions of this article.

SEC. 7709. *Signals.*—If elevating machines or hoisting apparatus, operated or controlled by other than hand power, are used in the construction, alteration, or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor, or subcontractor during the use and operation of such elevating machines or hoisting apparatus.

SEC. 7710. *Duty of architects.*—All architects or draftsmen, in preparing plans, specifications, or drawings to be used in the erection, repairing, altering, or removing of any building or structure within the terms and provisions of this article, shall provide in such plans, specifications, and drawings for all the permanent structural features or requirements specified in this article. Any person violating the provisions of this section shall upon conviction be fined not less than twenty-five ($25) dollars nor more than two hundred ($200) dollars for each offense.

SEC. 7711. *Violations.*—[Violations entail fines, $25 to $500, or imprisonment, 3 months to 2 years, or both.]

SEC. 7712. *Assumption of risks.*—The continuance by any person in the employ of any such operator shall not be deemed an assumption of the risk of such employment.

Private employment offices

SECTION 7727. *Definitions.*—[Terms "person," "agency," and "fee" are defined: latter includes any valuable consideration paid or promised for services.]

SEC. 7728. *License.*—[An annual, nontransferable license must be obtained from the secretary of labor; fee, $50.]

SEC. 7729. *Bond.*—[Bonds in the penal sum of $2,000 are required, conditioned on the observance of the terms of the act.]

SEC. 7730. *Canceling license.*—[An agent's refusal to comply with orders of the secretary of labor or to answer lawful questions in regard to the office may be penalized by cancellation of license, which shall not be reissued for 6 months.]

SEC. 7731. *Name.*—[No name or sign similar to that of the free employment bureau of the State shall be used.]

SEC. 7732. *Register.*—[A register must be kept showing the name, sex, and fee charged for occupations secured, the same to be open to official inspection A copy must be filed monthly with the secretary of labor.]

SEC. 7733. *Receipts.*—[Agencies must issue receipts showing occupation, wages, name and address of applicant and of employer, fee charged, and if strike or lockout is known to exist. A duplicate shall be mailed to the secretary of labor.]

SEC. 7734. *Fee.*—[A registration fee of $2 may be charged if an agency is at expense in looking up references, etc. References procured must be kept on file and may be inspected by officials and by the applicant. If no place is procured, unexpended portions of the fee must be returned on demand after 30 days and within 60 days. Charges for places secured may not exceed 10 per cent of the first month's wages, the registration charge being part of the amount. If the employee fails without fault of his own to retain his position, but one fee shall be charged each three months. Placements must be on bona fide orders only; and if the contrary appears, transportation expenses and all fees must be refunded.]

SEC. 7735. *Receipts; return of fee.*—[Receipts must show details as to amount, employment secured, etc. If the employment is not secured, through no fault of the workman, the fee must, on demand, be returned, as well as expenses incurred, if workman was sent outside the city.]

SEC. 7736. *Dividing fees.*—[Dividing fees with foremen, etc., is forbidden under penalty of not less than $50 or imprisonment; also, license shall be revoked.]

SEC. 7737. *False statements; immoral resorts.*—[Making or publishing false statements or sending female help to any house of ill fame is forbidden.]

SEC. 7738. *Enforcement.*—[Enforcement is vested in the secretary of labor. Violations are punished by fine, not over $100, or 3 months in jail for first offense, with revocation of license for second offense; but for knowingly sending females to places of immoral resort, imprisonment not less than 30 days and perpetual loss of license is prescribed.]

Liability of railroad companies for injuries to employees

SECTION 8833. *Assumption of risks in suits against railways.*—In any action brought against a railroad or street railroad company to recover damages for personal injury to any employee, whether such injury results in death or not, the employee shall not be held to have assumed any of the risks of his employment in any case where the railroad company or its agents, servants, or employees have been guilty of negligence.

SEC. 8834. *Comparative negligence.*—In all actions brought to recover damages for injuries to a person or to his property caused by the negligence of another, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery when the contributory negligence of the plaintiff was slight and the negligence of the defendant was gross in comparison, but the contributory negligence of the plaintiff shall be considered by the jury in the mitigation of damages in proportion to the amount of contributory negligence attributable to the plaintiff; and all questions of negligence and contributory negligence shall be for the jury.

Suits for wages—Exemptions

SECTION 9040. *No exemption, when.*—[No property is exempt from execution, etc., for wages of clerks, laborers, or mechanics.]

SEC. 9041. *Wages.*—[Wages of heads of families in hands of employer are exempt from garnishment, etc., to extent of 90 per cent thereof, unless the debtor is about to abscond or leave the State.]

SEC. 9043. *Avoiding exemption law.*—[Assigning or transferring accounts against a laborer, etc., or instituting or prosecuting a claim against him seeking to seize wages earned 60 days prior to the proceedings, with the intent of avoiding the effect of the exemption laws, is forbidden.]

SEC. 9056. *Amount exempt.*—[The earnings of a judgment debtor for 3 months prior to the order for execution are exempt therefrom if it appears that they are necessary for the support of a family.]

Labor organizations—Embezzlement of funds

SECTION 9639. *Embezzlement an offense.*—If any officer, agent, or attorney of any voluntary association or of any labor organization shall embezzle or convert to his own use, or fraudulently take or make away with or secrete with intent to embezzle or fraudulently convert to his own use without the consent of the owner thereof, any money, goods, rights in action, or other valuable security or interest earned upon such funds or property or effects whatsoever belonging to any such voluntary association or labor organization of this State, he shall be deemed guilty of embezzlement, and upon conviction thereof shall be punished in the manner provided by law for feloniously stealing property of the value of the article so embezzled, taken, or secreted, or of the value of the sum of money payable or due upon any right in action so embezzled.

Bribery, etc., of employees

SECTION 9710. *Offering bribes.*—Whoever gives, offers, or promises to an agent, employee, or servant any gift or gratuity whatever without the knowledge and consent of the principal, employer, or master of such agent, employee, or servant with intent to influence his action in relation to his principal's, employer's, or master's business; or an agent, employee, or servant who without the knowledge or consent of his principal, employer, or master requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial

to himself under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's, or master's business; or an agent, employee, or servant who, being authorized to procure materials, supplies, or other articles either by purchase or contract for his principal, employer, or master, or to employ service or labor for his principal, employer, or master, receives, directly or indirectly, for himself or for another a commission, discount, or bonus from the person who makes such sale or contract, or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee, or servant such commission, discount, or bonus shall be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment in the county jail for not more than one year.

Picketing

Section 9752. *Acts forbidden.*—It shall be unlawful for any person or persons, singly or by conspiring together, to interfere, or to attempt to interfere, with any other person in the exercise of his or her lawful right to work, or right to enter upon or pursue any lawful employment he or she may desire, by doing any of the following acts, to wit: By using profane, insulting, indecent, offensive, annoying, abusive, or threatening language toward such person or any member of his or her immediate family, or in his, her, or their presence or hearing, for the purpose of inducing or influencing, or attempting to induce or influence, such person to quit his or her employment, or to refrain from seeking or freely entering into employment, or to persist in talking to or communicating in any manner with such person or members of his or her immediate family against his, her, or their will for such purpose, or to follow or to intercept such person from or to his work, from or to his home or lodging, or about the city against the will of such person for such purpose, or to photograph such person against his will, or to menace, threaten, coerce, intimidate, or frighten in any manner such person for such purpose, or to commit an assault or assault and battery upon such person for such purpose, or to loiter about, picket, or patrol the place of work or residence of such person, or any street, alley, road, highway, or any other place where such person may be, or in the vicinity thereof, for such purpose against the will of such person.

Sec. 9753. *As to places.*—It shall be unlawful for any person or persons, singly or conspiring together, to loiter about, beset, patrol, or picket in any manner the place of business or occupation of any person, firm, or corporation engaged in any lawful business or occupation, or any street, alley, road, highway, or other place in the vicinity where such person, firm, or corporation may be lawfully engaged in his, their, or its work, business, or occupation for the purpose of inducing or influencing, or attempting to induce or influence, others not to trade with, buy from, sell to, work for, or have business dealings with such person, firm, or corporation, so that thereby the lawful business or occupation of such person, firm, or corporation will be obstructed, interfered with, injured, or damaged and such person, firm, or corporation thereby be induced or coerced against his, their, or its will, intimidated or threatened, to do something he, they, or it may legally refrain from doing, or to refrain from doing something he, they, or it may lawfully do.

Sec. 9754. *Violations.*—[Fines of from $10 to $100 or imprisonment not to exceed 60 days, or both, are penalties for violations.]

NEVADA

REVISED LAWS—1912, 1919

Wages as preferred claims—In bankruptcy

SECTION 606. *Wages preferred.*—[Wages due workmen, clerks or servants, earned within 3 months before the commencement of proceedings, not over $300 to each, are payable next after costs of preserving the estate, filing fees, and costs of administration, allowing but one attorney's fee.]

SEC. 1187. *Lien in bankruptcy.*—[Employees have a lien on the assets of an insolvent or otherwise dissolved corporation, for two months' wages, to be paid prior to any other debt; but this does not apply to any of the officers.]

Arbitration of labor disputes

SECTION 1929. *Governor to mediate.*—Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and his employees, seriously interrupting or threatening to interrupt the business of the employer, the governor shall, upon the request of either party to the controversy, with all practicable expedition, put himself in communication with the parties to such controversy, and shall use his best efforts, by mediation and conciliation, to amicably settle the same. He may either exercise such powers of conciliation himself, or appoint a commission for such purpose. If such efforts of conciliation shall be unsuccessful, the governor shall at once endeavor to bring about an arbitration of such controversy in accordance with the provisions of this act.

SEC. 1930. *Board of arbitration.*—Whenever such controversy shall arise between an employer and his employees which can not be settled by mediation and conciliation in the manner provided in the preceding section, such controversy may, with the consent of the parties to the controversy, be submitted to the arbitration of a board of three persons who shall be chosen in the manner following: One shall be named by the employer directly interested; the other by the labor organization to which the employees directly interested belong, or if they belong to more than one, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration, but in the event of their failure to name such arbitrator within five days after their first meeting, the three arbitrators shall be named by the governor. A majority of said arbitrators shall be competent to make a binding and valid award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization or organizations representing employees, shall specify the time and place of meeting of such board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal services without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators, shall be filed in the clerk's office of the district court for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention so to quit. Nor shall the employer dissatisfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided.

SEC. 1931. *Award.*—The award being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom. At the expiration of ten days from the decision of the district court upon exception taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the Supreme Court of the State of Nevada. In such case only such portion of the record shall be transmitted to the supreme court as is necessary to a proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said supreme court upon said questions shall be final, and being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award, but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon award.

SEC. 1932. *Powers of board.*—For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation, as may be ordered by the courts; and may invoke the aid of the said courts to compel witnesses to attend and testify, and to produce such books, papers, contracts, agreements, and documents as the courts shall determine to be material and competent evidence.

SEC. 1933. *Agreements to be recorded.*—Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of the district court of the State, and when so acknowledged a copy of the same shall be filed with and recorded by the county recorder of the county in which the arbitration is entered into, and a copy shall also be sent to the governor who shall file the same in the office of the secretary of state, who shall cause a notice in writing to be served upon the arbitrators, fixing the time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of [or] arbitration: *Provided, however,* That the governor shall decline to call a meeting of the arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all the employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

SEC. 1934. *Status quo to be maintained.*—During the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet, strikes against said employer; nor, during a period of three months after an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice

of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided*, That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such a reduction.

SEC. 1935. *Expenses.*—The agreement of arbitration shall provide for the compensation of arbitrators, and their traveling and other necessary expenses.

Employment of labor—False representations

SECTION 1936. *False representations forbidden.*—It shall be unlawful for any person, persons, company, corporation, society, association, or organization of any kind doing business in this State by himself, itself, themselves, his, its, or their agents or attorneys to induce, influence, persuade, or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State through means of false or deceptive representations, false advertising, or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of their employment, or as to the existence or nonexistence of a strike or other trouble pending between employer and employees at the time of or prior to such engagement, proposal, or contract for such employment of workmen.

SEC. 1937. *Violations.*—Any person, persons, company, corporation, society, association, or organization of any kind doing business in this State, as well as his, their, or its agents, attorneys, servants, or associates found guilty of violating section one (1) of this act [secs. 1936–1938], or any part thereof, shall be fined in a sum not less than two hundred dollars ($200) nor more than two thousand dollars ($2,000) or confined in the county jail for a period of not less than sixty days nor more than one year, or when the defendant or defendants is or are a natural person or persons by both such fine and imprisonment.

SEC. 1938. *Damages.*—Any workman of this State, or any workman of another State, who has been or shall be influenced, induced, or persuaded to engage with any person mentioned in section one (1) of this act [secs. 1936–1938], or any company, corporation, or society or organization mentioned in section one (1) of this act [secs. 1936–1938], through or by means of any of the things therein prohibited, after this act becomes in force and effect, and each of such workmen shall have a cause of action for recovery, and may recover at law, for all damages that each of such workmen shall have sustained in consequence of the false or deceptive representation, false advertising, or false pretenses used to induce him to change his place of employment or place of abode, in case such workman shall not be then employed at the time of such inducement and hiring, against any person or persons, corporations, companies, or associations, directly or indirectly causing such damages; and in any action under this act [secs. 1936–1938] for the recovery of such damages the court shall have the power to award a reasonable attorney's fee in favor of the prevailing party and to be taxed as costs against the losing party therein.

Payment of wages in scrip

SECTION 1939. *Orders, etc., to be negotiable.*—No person or corporation engaged in any business or enterprise of any kind in this State shall issue in payment or as evidence of any indebtedness for wages due an employee any order, check, memorandum, or other acknowledgment of indebtedness unless the same is a negotiable instrument payable without discount in cash on demand at some bank or other established place of business: *Provided, however*, That nothing herein contained shall in any way limit or interfere with the right of any such employee, by agreement, to accept from any such person or corporation, as an evidence or acknowledgment of indebtedness for wages due him, a negotiable instrument payable at some future date with interest.

SEC. 1940. *Penalty.*—Any violation of this act [secs. 1939–1940] shall be a misdemeanor or [and] punishable by a fine of not exceeding $500.

Hours of labor at mines—Surface employees

SECTION 1941. *Eight-hour day.*—The number of hours of work or labor of mechanics, engineers, blacksmiths, carpenters, top men, and all workingmen employed or working on or about the surface or surface workings of any underground mine workings shall not exceed eight (8) hours in any period of twenty-four (24) hours, except in cases of emergency where life or property is in imminent danger.

SEC. 1942. *Violations.*—Any person who violates any of the provisions of this act, or any person, corporation, employer, or agent who hires, contracts with, or in any manner causes or induces any person to work or labor on or about the surface or surface workings of any underground mine workings for more than eight hours in any period of twenty-four hours, except in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars or by imprisonment in the county jail for not longer than six months, or by both such fine and imprisonment.

Forced contributions from employees

SECTION 1943. *Fees not to be collected, when.*—It is hereby made unlawful for any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of any person or persons, contractor or contractors, firm, company, corporation, or association, to collect, demand, force, compel, or require, either monthly, annually, or for any other period of time, any sum of money for hospital fees from any person or laborer at any place in this State where no convenient, comfortable, and well-equipped hospital is maintained at same town or place for the accommodation, relief, and treatment of persons in his or their employ, and from whom hospital fees are collected: *Provided*, That any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of same, may care for, or cause to be cared for, any person in his or their employ from whom hospital fees are collected at any private or public hospital, sanitarium, or other convenient and comfortable place without expense to the person or patient from whom hospital fees are collected; *And provided further*, The distance and facilities for the comfort and conveyance of any patient come within the intent and meaning of section two of this act [sec. 1944].

SEC. 1944. *Definitions.*—For the purpose of this act [secs. 1943-1945] the words "town or place," mentioned in section one of this act [sec. 1943], shall be construed to mean any town, headquarters, or place, at which town, headquarters, or place, and tributary places, sufficient hospital fees are collected to maintain a hospital in keeping with the hospital fees collected, and the words "distance and facilities for the comfort and conveyance of any patient," mentioned in section one of this act [sec. 1943], shall be construed to mean the nearest hospital and most comfortable means of conveyance at hand or that can be procured in a reasonable time: *Provided*, That if at the nearest hospital the proper medical treatment can not be secured, then it shall not be a misdemeanor to take any person or patient a greater distance or to another hospital.

SEC. 1945. *Violations.*—[Violations are punishable by fines, not less than $200 nor more than $500, or by imprisonment not less than 100 days nor more than 250 days, or both.]

Employment of children—School attendance

SECTION 3143 (as amended 1921, ch. 157). *Attendance.*—[Attendance up to 18 years of age is required during the school term unless (among other reasons) a child is ill and his labor is necessary for his own or his parents' support.]

SEC. 3149 (as amended, 1921, ch. 157). *Enforcement.*—[Knowingly employing a child unlawfully absent from school is a misdemeanor. Attendance officers may visit places of employment to enforce the law.]

Employment of labor on public works

SECTION 3481. *Minimum wage of three dollars.*—On all public works carried on in the erection of public buildings by or for the State of Nevada, or by any individual, firm, company, or corporation under contract with the State of

Nevada, unskilled labor shall be paid for at a rate of not less than three ($3) dollars per eight-hour day for each male person over the age of eighteen years who shall be employed at such labor.

SEC. 3482. *Violations.*—[Violations are punished by a fine of $50 for each man employed for less than the minimum rate.]

SEC. 3483. *Chinese not to be employed.*— * * * No Chinaman or Mongolian shall be employed directly or indirectly in any capacity on any public works or in or about any buildings or institutions or grounds under the control of this State.

SEC. 3484. *Railroad corporations.*—Hereafter no right of way or charter or other privileges for the construction of any public works by any railroad or other corporation or association shall be granted to such corporation or association except upon the express condition that no Mongolian or Chinese shall be employed on or about the construction of such work in any capacity.

SEC. 3485. *Forfeiture.*—Any violation of the conditions of this act [secs. 3483–3485] shall work a forfeiture of all rights, privileges, and franchise granted to such corporation or association.

Mine regulations

SECTION 4198. *Inspector.*—[Office of State inspector of mines is created.]

SEC. 4199. *Salary, etc.*—[Salary is $3,600, term two years, and bond of $10,000 is required.]

SEC. 4200. *Conflicting interests.*—[Inspectors must not be interested in mining and must take an oath of office.]

SEC. 4201 (as amended 1915, ch. 8). *Inspections.*—[The inspector must visit each mining county at least once a year and inspect such mines as may require inspection for safety. Recommendations must be posted. It is his duty to establish a system of signals.]

SEC. 4202. *Access.*—[Operators must give access to all parts of mines and machinery; if found unsafe, the inspector must serve notice, and necessary changes must be made without delay.]

SEC. 4203 (as amended 1917, ch. 25). *Reports, etc.*—[The inspector must keep on file records of reports, the latter to be made by owners, etc., annually, and on the opening of any mine, showing character of mine, number of workmen, methods of working, etc.]

SEC. 4204. *Complaints.*—[Mines must be visited on complaint signed by one or more persons setting forth unsafe conditions, and if found correct, changes must be ordered. Names of complainants are not to be divulged unless necessary in court proceedings.]

SEC. 4205. [Procedure in prosecutions.]

SEC. 4206 (as amended 1917, ch. 25). *Deputies.*—[Inspector may appoint two deputies at a salary of $200 each per month.]

SEC. 4207. *Accidents.*—[Any serious or fatal accident must be immediately reported to the inspector or his deputy, one or both of whom shall at once go to the place of accident and make an investigation, attend any inquest that may be held, and may cross-examine witnesses. If they cannot attend the inquest, the owner, etc., shall verify its findings and furnish the inspector such verified statements.]

SEC. 4208. *Annual reports.*—[The inspector must annually report to the governor the number, nature and cause of accidents; number of mines visited, wages, number and nationality of employees; details as to working and equipment of mines; notices issued, complaints received, prosecutions, etc.]

SEC. 4209. *Scope.*—[This act does not apply to mines worked only by owners or lessees without hired workmen.]

SECS. 4211–4215, 4216 (as amended 1923, ch. 24), 4217, 4218, 4219 (as amended 1913, ch. 224), 4220–4233, 4234 (as amended 1917, ch. 25), 4235, 4236. *Safety.*—[These sections embody regulations as to use and storage of explosives, tools, exits, ventilation, hoisting, boilers and engines, signal systems, etc.]

SEC. 4237. *Smoke helmets.*—[If 40 or more men are employed underground, at least two approved smoke helmets must be furnished and kept in good working order.]

SEC. 4238. *Violations.*—[Penalties for violations are fines up to $500 or imprisonment not over 6 months, or both. Each day of noncompliance after conviction is a separate offense.]

Accidents on railroads, etc.

SECTION 4541. *Public utilities to report.*—[All accidents causing death or personal injury occurring in the conduct of any public utility must be reported to the railroad commission.]

SEC. 4555. *Safeguards.*—[The railroad commission may inspect railroad property in the interest of safety of employees and the public and require changes, installations, etc., to that end.]

SEC. 4578. *Railroad accidents.*—[All accidents causing loss of life on railroad property must be immediately notified to the commission. If thought in the public interest, an investigation may be made.]

Exemption of wages from execution

SECTION 5288. *Exemption of wages.*—[Earnings of a judgment debtor for 30 days prior to the attachment, etc., are exempt if required for the support of his family resident in the State; but if the debt is for the common necessaries of life, or if the debtor has no family in the State, one-half such earnings may be seized.]

Wages as preferred claims—In assignments, etc.

SECTION 5493. *Assignments.*—[Where the property of an insolvent employer is assigned, debts owing miners, mechanics, salesmen, servants, clerks or laborers are preferred claims for wages earned within 90 days prior to the assignment, not exceeding $200 each.]

SEC. 5494. *Executions, etc.*—[Where the property of an employer is taken on execution, attachment, etc., wages as above are preferred, subject to homestead claims or prior mortgages or liens.]

Liability of employers for injuries to employees

SECTION 5649. *Right of action.*—Whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury shall be liable to the person injured for damages; and where the person causing such injury is employed by another person or corporation responsible for his conduct, such person or corporation so responsible shall be liable to the person injured for damages.

SEC. 5650. *Railways, mines, etc.*—Every common carrier engaged in trade or commerce in the State of Nevada, and every mine and mill owner and operator actually engaged in mining, or in milling or reduction of ores, in the State of Nevada, shall be liable to any of its employees, or, in case of the death of such employee, to his personal representative for the benefit of his widow and children, if any, and if none, then for his next of kin, for all damages which may result from the negligence of the officers, agents, or employees of said common carrier or mine or mill operator, or by reason of any defect or insufficiency due to their negligence in its cars, engines, appliances, machinery, track, roadbed, ways or works, or to their negligent handling or storing of explosives.

SEC. 5651. *Comparative negligence.*—In all actions hereinafter brought against any common carrier or mine or mill owner and operator to recover damages for personal injuries to or death of an employee, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and the negligence of the employer, or its officers, agents, or employees was gross in comparison. All questions of negligence and contributory negligence shall be for the jury.

SEC. 5652. *Contracts waiving rights.*—No contract of employment, insurance, relief benefit, or indemnity for injury or death, entered into by or on behalf of any employee, nor the acceptance of any insurance, relief benefit or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to, or death of such employee: *Provided, however*, That upon the trial of such action the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the person entitled thereto.

Wages as preferred claims—In administration

SECTION 6145. *Wages preferred.*—[Earnings for 90 days next preceding the death of an employer rank next after funeral expenses, costs of administration, and the allowance to the widow and infant children.]

Interference with employment

SECTION 6377. *What constitutes conspiracy.*—Whenever two or more persons shall conspire—

* * * * * * *

5. To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof;

* * * * * * *

Every such person shall be guilty of a gross misdemeanor.

Hours of labor in mines, smelters, etc.

SECTION 6554. *Eight hours a day's work in mines.*—The period of employment of workingmen in all underground mines or workings shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 6555. *In smelters, etc.*—The period of employment of workingmen in smelters and in all other institutions for the reduction or refining of ores or metals shall be eight hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 6556. *Violations.*—[Fines of from $100 to $500 are fixed for violations of the two preceding sections.]

SEC. 6557. *Eight hours a day's labor, in open work.*—The period of employment of workingmen in open-pit and open-cut mines shall not exceed eight hours in any twenty-four hours, except in cases of emergency where life or property is in imminent danger.

SEC. 6559. *Eight hours a day's labor in certain mills.*—The period of employment of all persons engaged or employed in any mill or other institution wherein plaster or cement is manufactured shall not exceed eight hours in any twenty-four hours except in cases of emergency where life is in imminent danger, or the product of such mill or institution liable to loss or damage by delay in treatment.

SEC. 6560. *Violations.*—[Violations of sec. 6557 or 6559 entail fines, $100 to $500, or imprisonment not more than 6 months, or both.]

Smoking in factories, etc.

SECTION 6578. *Smoking an offense, when.*—Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building, shall be guilty of a misdemeanor.

Contracts of employment—Violation endangering life

SECTION 6588. *Violation an offense, when.*—Every person who shall willfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his so doing will be to endanger human life or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor.

Interference with employment

SECTION 6740. *Violence, force, etc.*—Every person who, with intent to compel another to do or abstain from doing an act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

1. Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; or,

2. Deprive such person of any tool, implement, or clothing, or hinder him in the use thereof; or,

3. Attempt to intimidate such person by threats or force,

Shall be guilty of a misdemeanor.

Hours of labor on public works—Eight-hour day

SECTION 6778. *Eight hours a day's work.*—On public works, all works or undertakings carried on or aided by the State, county, or municipal governments, eight hours shall constitute a day's labor. Any violation of the provisions of this section shall be deemed a misdemeanor and shall subject the employee as well as the person or persons acting on behalf of the State, county or municipal government in the employment of such employee, to a fine of not less than ten dollars nor more than fifty dollars, and in case any contract is let for any State, county or municipal government work, the contractor or contractors violating the provisions hereof shall be punished by a fine of not less than five dollars nor more than fifty dollars for each and every man so employed by such contractor or contractors, and in addition thereto such contract shall be forfeited and be null and void: *Provided*, That nothing herein shall be so construed as to prevent the preservation or protection of property in cases of emergency.

Blacklisting, etc.

SECTION 6779. *Preventing employment of discharged employee.*—Any person, association, company, or corporation within this State, or agent, or officer, on behalf of such person, association, company, or corporation, who shall hereafter willfully do anything intended to prevent any person who shall have for any cause left or been discharged from his or its employ from obtaining employment elsewhere in this State, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars for each offense, or imprisonment in the county jail at the rate of one day for each two dollars of such fine in the event such fine be not paid.

SEC. 6780. *Blacklisting.*—No corporation, company, organization, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer discharged by such corporation, company, organization, or individual with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, organization, or individual.

SEC. 6781. *Violations.*—[Violations are punishable by fines, $50 to $250, or imprisonment, 30 to 90 days, or both.]

SEC. 6782 (as amended 1915, ch. 186). *Clearance letter.*—The two preceding sections shall not be construed as prohibiting any corporation, company, organization, or individual from giving in writing at the time said employee leaves or is discharged from the service of said employer a truthful statement of the reason for such leaving of the service or discharge of such employee, nor shall the foregoing sections be construed to prevent any employer from giving any employee or former employee any statement with reference to any meritorious services which said employee may have rendered to such employer, and it shall be the duty of the employer to supply, upon demand from employee, statements as provided in this section. The word "employee," as used in this act, shall be construed to mean every person who shall have entered upon service or employment of an employer, and such employment shall be deemed to commence from the date of the entry or performance of any service, and any contract of employment, rule, regulation, or device to the contrary shall be void: *Provided*, That no statement shall be required unless the employee shall have been in service for a period of not less than sixty days and that only one such statement shall be issued to such employee.

Employment of labor—Foremen, etc., accepting fees

SECTION 6783 (as amended 1915, ch. 51). *Accepting fees unlawful.*—It shall be and is hereby made unlawful for any manager, superintendent, officer, agent, servant, foreman, shift boss, or other employee of any person or corporation charged or intrusted with the employment of any workmen or laborers, or with the continuance of workmen or laborers in employment, to demand or receive, either directly or indirectly, from any workman or laborer employed through his agency, or worked or continued in employment under his direction or con-

trol, any fee, commission, or gratuity of any kind or nature as the price or condition of the employment of any such workman or laborer, or as the price or condition of his continuance in such employment; any such manager, superintendent, officer, agent, servant, foreman, shift boss, or other employee of any person or corporation charged or intrusted with the employment of laborers or workmen for his principal, or under whose direction or control such workmen and laborers are engaged in work and labor for such principal, who shall demand or receive, either directly or indirectly, any fee, commission, or gratuity of any kind or nature, from any workman or laborer employed by him or through his agency, or worked under his direction and control, either as the price and condition of the employment of such workman or laborer, or as the price and condition of the continuance of such workman or laborer in such employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50) and not exceeding three hundred dollars ($300), or by imprisonment not exceeding six (6) months, or both such fine and imprisonment, in the discretion of the court trying the charge.

SEC. 6784. *Exemption.*—The preceding section shall not apply to any duly and regularly licensed intelligence office for the employment of persons.

Employment offices—False representation

SECTION 6785. *False statements forbidden.*—Every employment agent or broker, who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof, or the wages to be paid therefor, shall be guilty of a misdemeanor.

Bribery of employees

SECTION 6786. *Soliciting or receiving bribes.*—Every agent, employee, or servant of any person or corporation and every public officer who shall ask or receive, directly or indirectly, any compensation, gratuity, or reward, or any promise thereof upon any agreement or understanding that he shall act in any particular manner in connection with his principal's, employer's, or master's business or his official duties or the public service; or who being authorized to purchase or contract for materials, supplies or other articles or to employ servants or labor for his principal, or employer, or master, or for the State or any county or municipality, or for the public service, shall ask or receive, directly or indirectly, for himself or another, a commission, percentage, discount, bonus or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

Forgery of employers' certificates

SECTION 6787. *Use of false letters, etc.*—Every person who shall obtain employment or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate or recommendation, shall be guilty of a misdemeanor.

Payment of wages—Discounting

SECTION 6788. *Discounting time checks.*—Whenever any person or persons, firm, corporation, or association whether acting as principal or agent, contractor or subcontractor, shall hire or employ any other person or persons for the performance of any labor, or service, and shall issue to such person or persons time checks for the labor or service performed, it shall be unlawful for the person or persons, firm, corporation, or association, issuing such time checks to discount the same or deduct therefrom any portion of the same as such discount.

SEC. 6789. *Violations.*—[Fines of from $50 to $300, or imprisonment 30 days to 6 months, or both, are penalties for violations.]

SEC. 6790. *Application of law.*—Nothing in the two next preceding sections shall apply to persons, firms, associations, or corporations, making discounts, deductions or pro rata payments in the course of bankruptcy or insolvency proceedings, or in the settlement of the estates of deceased persons.

Protection of employees as traders, etc.

SECTION 6791. *Coercion as to trading or boarding.*—Any person or persons, employer, company, corporation, or association, or the managing agent of any person or persons, employer, company, corporation, or association, doing or conducting business in this State, who by coercion, intimidation, threats, or undue influence, compels or induces his or her employees to trade at any particular store, or board at any particular boarding house, in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, nor more than one hundred days, or by both such fine and imprisonment.

Labor organizations—Bribery of representatives

SECTION 6794. *Offering bribes.*—Every person who shall give, offer, or promise, directly or indirectly, any compensation, gratuity, or reward to any duly constituted representative of a labor organization with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, shall be guilty of a gross misdemeanor.

SEC. 6795. *Receiving a bribe.*—Every person who, being the duly constituted representative of a labor organization, shall ask or receive, directly or indirectly, any compensation, gratuity, or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions, or other duties as such representative, or any act to prevent or cause a strike of the employees of any person or corporation shall be influenced thereby, shall be guilty of a gross misdemeanor.

Bribery of employees

SECTION 6796. *Giving bribe.*—Every person who shall give, offer, or promise, directly or indirectly, any compensation, gratuity, or reward to any agent, employee, or servant of any person or corporation, with intent to influence his action in relation to his principal's, employer's, or master's business, shall be guilty of a gross misdemeanor.

Safety appliances in factories and mines

SECTION 6797. *Set screws.*—It shall be unlawful for any person, company, or corporation to construct or place any shaft or shafting with collars, sleeves, or pulleys over two feet in diameter attached or secured to any such shaft by set screws projecting above the hub of such collars, sleeves, or pulleys. In all such cases where set screws are used the heads thereof shall be countersunk below the surface of the hub of the collar, sleeve, or pulley in which they are placed. Any person or corporation who shall fail or refuse to comply with the requirements of this section when constructing or changing any machinery shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 6798. *Suits.*—Nothing contained in the next preceding section shall be so construed as to prevent recovery in a suit for damages for injuries sustained by the party so injured or by his heirs or administrators.

SECS. 6799, 6800. *Safety cages in mines.*—[In mines with vertical shafts more than 250 feet in depth cages used for hoisting or lowering workmen must be provided with iron bonnets and safety apparatus of sufficient strength to hold the cage when loaded. The construction of platforms, etc., in mines of less depth is also regulated and a penalty fixed for violations; but these provisions do not affect suits for damages in case of injuries.]

Labor combinations not unlawful

SECTION 6801. *Who may meet.*—No part of this act shall be construed to restrict or prohibit the orderly and peaceably assembling or cooperating of persons employed in any profession, trade, or handicraft for the purpose of securing an advance in the rate of wages or compensation or for the maintenance of such rate.

Employment of children

SECTION 6823. *Certain occupations forbidden.*—[This section forbids the employment of children under 18 in begging, immoral occupations, in dangerous or injurious practices or exhibitions, or as messengers, etc., to immoral resorts.]

SEC. 6824. *Age.*—[Boys under 14 and girls under 16 may not be employed at other than farm or house work without a permit from the judge of the district court.]

REVISED LAWS—VOL. 3—1919

[This volume contains the laws and amendments enacted by the legislatures of 1913, 1915, 1917, and 1919, "arranged alphabetically under the topics to which they properly belong." However, instead of undertaking to effect such a distribution in this compilation, the laws are reproduced below with the page citation of the volume, retaining a reference to the year of enactment.]

Employment of children

(Page 2649. Acts 1913, ch. 232)

SECTION 1. *Age.*—[No child under 14 may be employed in any business or service during school hours.]

SEC. 2. *Dangerous occupations.*—[Forbids to 16, specified dangerous or injurious occupations; a similar list is found in sections 3145, 3148 of the Delaware Code.]

SEC. 3. *Board of health.*—[Additional processes, etc., may be added to the above list by the State board of health on its determination of dangerous or injurious consequences.]

SEC. 4. *Children apparently under 14.*—[Inspectors may require of any employer evidence of the age of any child in his employ who is apparently under 14, or employment must cease.]

SEC. 5. *Dangerous occupations.*—[Adds other forbidden occupations for children under 16; see sec. 2.]

SEC. 6. [Same as sec. 3.]

SEC. 7. *Night work.*—[No person under 18 may be employed in messenger or delivery service in incorporated cities and towns between 10 p. m. and 5 a. m.]

SEC. 8. *Hours.*—[Boys under 16 and girls under 18 may not be gainfully employed except in domestic or farm labor more than 48 hours per week or 8 per day. Presence is evidence of employment.]

SECS. 9, 10. *Violations.*—[Violations are to be punished by a fine or imprisonment or both; if continued, each day is a separate offense.]

Protection of employees as voters

(Page 2730. Acts 1913, ch. 232)

SECTION 24. *Discharge, etc., forbidden.*—* * * and every person who * * * shall discharge or change the place of any employee with the intent and for the purpose of impeding or preventing the free exercise of the franchise by such voters, shall be guilty of undue influence, and shall be punished as for a corrupt practice.

Employment of women—Hours of labor

(Page 2774. Acts 1917, ch. 14)

SECTION 1. *Eight hours per day.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, place of amusement, or restaurant, or by any express or transportation company in this State, more than eight hours during any one day, or more than fifty-six hours in one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of one day, or fifty-six hours during any one week: *Provided, however,* That the provisions of this section in relation to hours of employment shall not apply to nor affect the harvesting, curing, canning, or drying of any variety of perishable fruit or vegetable, nor to nurses, nor to nurses in training in hospitals.

SEC. 2. *Seats.*—Every employer in any manufacturing or mercantile establishment, laundry, hotel, or restaurant, or other establishment, employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

SEC. 3. *Enforcement.*—The district attorneys of the respective counties of this State, and the attorney general of this State, shall enforce the provisions of this act, and said district attorneys, and said attorneys general and their deputies and agents, shall have all powers and authority of sheriffs or other peace officers to make arrests for violations of the provisions of this act, and to serve all processes and notices thereunder throughout the State.

SEC. 4 (as amended 1923, ch. 69). *Violations.*—[Violations are to be punished by a fine of not less than $50 nor more than $100 for a first offense; and for a second offense, not less than $100 nor more than $250, or imprisonment not more than 60 days, or both.]

Discharge of employees—Hearings

(Page 2775. Acts 1915, ch. 41)

SECTION 1. *Hearings to be allowed, when.*—It shall be unlawful for any person, firm, association, or corporation, or agent, superintendent, or manager thereof, employing any special agent, detective, or person commonly known as "spotter" for the purpose of investigating, obtaining and reporting to the employer, his agent, superintendent, or manager, information concerning his employees, to discipline or discharge any employee in his service, where such act of discipline or the discharge is based upon a report by such special agent, detective, or spotter, which report involves a question of integrity, honesty, or a breach of rules of the employer, unless such employer, his agent, superintendent, or manager shall give notice and accord a hearing to the employee thus accused, when requested by the said employee, at which hearing said accused employee shall have opportunity to be confronted with the person making such report and shall have the right to furnish testimony in his defense.

SEC. 2. *Violations.*—[Violations entail a fine, $500, for each offense.]

Payment of wages—Semimonthly pay day

(Page 2775. Acts 1919, ch. 71)

SECTION 1. *Payment prescribed.*—All wages or compensation of employees in private employments shall be due and payable semimonthly, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and payable not later than the fifteenth day of the month following that in which such wages or compensation were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month shall be due and payable not later than the last day of the same month; but nothing contained herein shall be construed as prohibiting the contracting for the payment or of the payment of wages at more frequent periods than semimonthly. Every agreement made in violation of this section, except as hereinafter provided, shall be null and void; except any employee shall be entitled to payment of such wages or compensation for the period during which the same were earned.

The words "private employments," used in this act, shall mean all employments other than those under the direction, management, supervision, and control of this State or any county, city, or town therein, or any office or department thereof.

SEC. 2. *Termination of employment.*—Whenever an employer discharges an employee, the wages and compensation earned and unpaid at the time of such discharge shall become due and payable immediately; but whenever an employee resigns or quits his employment, the wages and compensation earned and unpaid at the time of such resignation or quitting, shall be paid within twenty-four hours after a demand therefor.

Should any employer fail to pay within three (3) days after the same shall become due and payable, under the provisions of this act, any wages or compensation, without deduction, of any employee, who is discharged from or who resigns or quits his employment, then as a penalty for such nonpayment of such wages or compensation, the same shall continue from the date of the

cessation of employment at the same rate until paid: *Provided*, In no case shall such wages or compensation continue for more than thirty (30) days: *And provided further*, Any employee who secretes or absents himself to avoid payment of such wages or compensation, or refuses to accept the same when fully tendered to him, shall not be entitled to the payment thereof for such time as he so secretes or absents himself to avoid such payment.

SEC. 3. *Notices.*—Every employer shall establish and maintain regular pay days as herein provided and shall post and maintain posted notices printed in plain type or written in plain script in at least two (2) conspicuous places where such notices can be seen by the employees, setting forth the regular pay days as herein prescribed and place of payment, which shall be within the justice court precinct in which such services were performed.

In case an employee shall be absent at the time and place of the payment of such wages or compensation, due and payable as herein prescribed, provided he does not secrete or absent himself to avoid such payment as aforesaid, he shall be paid the same within five (5) days after making written demand therefor.

The payment of such wages or compensation shall be made in lawful money of the United States, or by a good and valuable negotiable check or draft payable on presentation thereof at some bank or established place of business without discount in lawful money of the United States, and not otherwise, and shall be payable at the place designated in the notice prescribed herein.

SEC. 4. *Deductions.*—Nothing in this act shall be so construed as to preclude the withholding from the wages or compensation of any employee any dues, rates or assessments becoming due to any hospital association, or to any relief, savings, or other department or association, maintained by the employer or employees for the benefit of the employees, or poll tax, or other deductions authorized by written order of an employee: *Provided*, At the time of payment of such wages or compensation, such employee shall be furnished by the employer an itemized list showing the respective deductions made from the total amount of such wages or compensation.

SEC. 5. *Provisions severable.*—Should any provision of this act be judicially decreed, or declared null or void, the remaining provision thereof shall not be affected thereby, but the same shall be given full force and effect.

SEC. 6. *Violations.*—[Fines of from $50 to $300 are fixed for violations of this act.]

SEC. 7. *Enforcement.*—It shall be the duty of the labor commissioner to cause this act to be duly enforced, and upon notice from him the district attorney of any county in which a violation of this act has occurred, shall prosecute the same according to law.

SEC. 8. *Waivers.*—Nothing in this bill, however, shall be so construed as to mean that any special occasion where it appears to be satisfactory and beneficial to both employer and employee, that they shall not have the right to agree either verbally or in writing, as to where and at what time, other than every fifteen days, wages shall be paid: *Provided*, That it shall be unlawful for any employer to require any employee to enter any such agreement as a condition to entering into or remaining in his service.

Employment of labor—Provisions for safety

(Page 2777. Acts 1919, ch. 225)

SECTION 1. *Definitions.*—The following terms, as used in this act, shall, unless a different meaning is plainly required by the context, be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out, or elsewhere, and the premises appurtenant thereto, where, either temporarily or permanently, any industry, trade, work or business is carried on, or where any process or operation directly or indirectly related to any industry, trade, work or business, is carried on, including all construction work, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed solely in household domestic service, or any place of employment concerning the safety of which jurisdiction may have been vested by law heretofore or hereafter in any other commission or public authority.

(2) The term "employment" shall mean and include any trade, work, business, occupation or process of manufacture, or any method of carrying on such trade, work, bnsiness, occupation or process of manufacture, including construction work, in which any person may be engaged, except where persons are employed solely in household domestic service.

(3) The term "employer" shall mean and include every person, firm, voluntary association, corporation, officer, agent, manager, representative or other person having control or custody of any employment, place of employment, or of any employee.

(4) The term "employee" shall mean and include every person who may be required or directed by an employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go to work or be at any time in any place of employment.

(5) The term "order" shall mean and inclnde any decision, rule, regulation, direction, requirement or standard of the commission or any other determination arrived at or decision made by such commission under the safety provisions of this act.

(6) The term "general order" shall mean and include such order, made under the safety provisions of this act, as applies generally throughout the State to all persons, employments or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(7) The term "local order" shall mean and include any ordinance, order, rule or determination of any board of supervisors, city council, board of trustees or other governing body of any county, city and county, city, or any school district or other public corporation, or an order or direction of any other public official or board or department upon any matter over which the industrial accident commission has jurisdiction.

(8) The terms "safe" and "safety" as applied to an employment or a place of employment, shall mean such freedom from danger to the life or safety of employees as the nature of the employment will reasonably permit.

(9) The terms "safety device" and "safeguard" shall be given a broad interpretation so as to include any practicable method of mitigating or preventing a specific danger.

SEC. 2. *Duty of employers.*—Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operation, and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 3. *Safeguards.*—No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide, and use safety devices and safeguards or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees, and no such employer shall maintain any place of employment that is not safe.

SEC. 4. *Construction.*—No employer, owner, or lessee of any real property in this State shall construct or cause to be constructed any place of employment that is not safe.

SEC. 5. *Removing, etc., guards.*—No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard fnrnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 6. *Enforcement.*—It shall be the duty of the Nevada Industrial Commission, and they shall have full power, jnrisdiction, and authority over all employments not within the jurisdiction of the department of the mining inspector, labor commissioner, and railroad and public service commissions:

(1) To declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance, and operation of safety devices, safeguards, and other means or methods of protection, to be as nearly uniform as practicable, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employments and places of employment.

(3) To fix and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may reasonably demand.

(5) The commission may, upon application of any employer or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such extension of time necessary.

(6) Whenever the commission shall learn or have reason to believe that any employment or place of employment is not safe or is injurious to the welfare of any employee, it may, of its own motion, or upon complaint, summarily investigate the same, with or without notice or hearings, and after a hearing upon such notice as it may prescribe, the commission may enter and serve such order as may be necessary relative thereto.

(7) To appoint advisers who shall, without compensation, assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

SEC. 7. *Duty of employers.*—Every employer, employee and other person shall obey and comply with each and every requirement of every order, decision, direction, rule or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance and observance of every such order, decision, direction, rule or regulation.

SEC. 8. *Orders as evidence.*—Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act, shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution of such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted and not then finally determined.

SEC. 9. *Violations.*—[Violation of sections 2, 3, 4 or 5 is deemed a misdemeanor.]

SEC. 10. *Separate offenses.*—Every violation of the provisions contained in sections two, three, four, or five of this act, or any part or portion thereof, by any person or corporation is a separate and distinct offense, and, in the case of a continuing violation thereof, each day's continuance thereof shall constitute a separate and distinct offense.

SEC. 11. *Act construed.*—Nothing contained in this act shall be construed to deprive the board of county commissioners of any county, or city and county, the board of trustees of any city, or any other public corporations or board or department, of any power or jurisdiction over or relative to any place of employment.

Private employment offices

(Page 2780. Acts 1919, ch. 167)

SECTION 1 (as amended 1923, ch. 67). *Definitions.*—[Gives wide inclusion to term "employment agency."]

SEC. 2. *License.*—[Any person wishing to operate an employment office must obtain a license from the labor commissioner, which must be conspicuously posted.]

SEC. 3. *Application.*—[Applicants must give proposed place of business, occupation during the past two years, and furnish affidavits as to character.]

SEC. 4. *Contents.*—[Licenses set forth the name, place, and date of issue. Only one place and person or firm, etc., is covered thereby.]

SEC. 5 (as amended 1923, ch. 67). *Fee.*—[A license fee of $50 annually is required; also a bond in the sum of $1,000, conditioned on compliance with this act and to cover damages occasioned by fraud, etc.]

SEC. 6. [Describes procedure in bringing action on the bond.]

SEC. 7. *Register.*—[Registers must be kept showing names, dates, employment offered, fee received, and names and addresses of former employees; also separate registers of applicants for help, showing date, kind of help wanted, wages, hours, etc.]

SEC. 8. *Inspection.*—[Registers, etc., must be open to inspection by the labor commisioner, and copies thereof must be furnished on request.]

SEC. 9. *Receipts.*—[All fees collected must be receipted for, showing amount, name, and address of employer, nature of work, wages, hours, etc. Receipts must be in duplicate, one copy to be retained by the agency.]

SEC. 10. *Orders.*—[No applicant for work may be sent to an employer without a bona fide order therefor. If employment is not obtained, or the employee is discharged in less than 7 days the fee must, on demand, be returned; also travel expenses if the applicant was sent outside the city.]

SEC. 11. *False statements.*—[False statements in publications, cards, advertising, etc., are forbidden.]

SEC. 12. *Children; strikes; dividing fees.*—[Agencies are forbidden to provide employment involving violation of the child labor law; or to send applicants to places where strikes, etc., are in existence, without notice of the same; or to divide fees with employers, etc.]

SEC. 13. *Records.*—[Records must be kept on books and blanks furnished by the labor commissioner.]

SEC. 14. *Accounts.*—[The labor commissioner must keep account of license fees, paying them to the State treasurer, to be held as an employment agency fund.]

SEC. 15. *Enforcement.*—[Enforcement vests in the labor commissioner.]

SEC. 16. *Violations.*—[Violations are misdemeanors, punishable by fine or imprisonment, or both.]

Employment of labor on public works—Aliens

(Page 2965. Act's 1919, ch. 168)

SECTION 1 (as amended 1921, ch. 129). *Who may be employed.*—Only citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States shall be employed by any officer of the State of Nevada, or by any contractor with the State of Nevada, or by any political subdivision of the State, or by any person acting under or for such officer or contractor, in the construction of public works, or in any office or department of the State of Nevada, or political subdivision of the State, and in all cases where persons are so employed, preference shall be given to honorably discharged soldiers, sailors, and marines of the United States and to citizens of the State of Nevada: *Provided*, Nothing in this act shall be construed to prevent the working of prisoners by the State of Nevada, or by any political subdivision of the State, on street or road work or other public work; nor to prevent the working of aliens, who have not forfeited their right to citizenship by claiming exemption from military service, as common laborers in the construction of public roads, when it can be shown that citizens or wards of the United States or persons who have been honorably discharged from the military service of the United States are not available for such employment; nor to prevent the exchange of instructors between the University of Nevada and similar institutions of the North and South American countries: *And provided further*, That any alien so employed shall be replaced by any citizen, ward, or ex-service man of the United States applying for employment.

SEC. 2 (as amended 1921, ch. 129). *Contracts void.*—In each contract for the construction of public works a proviso shall be inserted to the effect that if the provisions of section 1 of this act are not complied with by the contractor the contract shall be void, and any failure or refusal to comply with any of the provisions of this act shall render any such contract void. All boards, commissions, officers, agents, and employees having the power to enter into contracts for the expenditure of public money on public works shall file in the office of the commissioner of labor the names and addresses of all contractors holding contracts with the State of Nevada or with any political subdivision

of the State. Upon the letting of new contracts the names and addresses of such new contractors shall likewise be filed. Upon the demand of the commissioner of labor a contractor shall furnish a list of the names and addresses of all subcontractors in his employ.

SEC. 3. *Payments.*—No money shall be paid out of the State treasury or out of the treasury of any political subdivision of the State to any person employed on any of the work mentioned in section 1 of this act unless such person shall be a citizen or ward or naturalized citizen of the United States, subject to the exception contained in section 1 of this act.

SEC. 4 (as amended 1921, ch. 129). *Violations.*—[Violations are to be punished by fines, $100 to $500, or imprisonment not over 6 months, of both; but not if employees made misrepresentations by the production of fraudulent citizenship papers.]

Hours of labor on public works—Eight-hour day

(Page 2966. Acts 1919, ch. 203)

SECTION 1. *Limit on hours.*—The services and employment of all persons, except as otherwise provided herein, who are now or may hereafter be employed by the State of Nevada or by any county, city, town, township, or any other political subdivision thereof, or by any contractor, subcontractor, or other person having a contract with the State of Nevada or with any county, city, town, township, or any other political subdivision thereof for the performance of public work, is hereby limited and restricted to not more than eight hours in any one calendar day and not more than fifty-six hours in any one week; and it shall be unlawful for any officer or agent of the State of Nevada or of any county, city, town, township, or other political subdivision thereof, or any contractor, subcontractor, or other person having a contract as herein provided, whose duty it shall be to employ, direct, or control the services of such employees, to require or permit such employees to work more than eight hours in any one calendar day or more than fifty-six hours in any one week, except in cases of emergency, where life or property is in imminent danger: *Provided*, Nothing in this act shall apply to officials of the State of Nevada or of any county, city, town, township, or other political subdivision thereof, or to employees thereof who are engaged as employees of a fire department, or to nurses in training or working in hospitals, or to deputy sheriffs or jailers.

SEC. 2. *Contracts.*—Every contract made with the State of Nevada or with any county, city, town, township, or any other political subdivision thereof shall contain a condition that no person shall be employed for more than eight hours in any one day or more than fifty-six hours in any one week, except in cases of emergency where life or property is in imminent danger, and in such emergency cases the persons required to work over eight hours per day or fifty-six hours per week shall be paid regular wages for all overtime; every such contract herein referred to shall also contain a condition that the contract may be canceled at the election of the State of Nevada or of any county, city, town, township, or other political subdivision thereof, which is concerned, for any failure or refusal on the part of the contractor to faithfully perform the contract according to its terms as herein provided.

SEC. 3. *Violations.*—[A fine of not to exceed $300, or imprisonment not to exceed 6 months, or both, are penalties for violations.]

Railroad employees—Coercion in purchase of uniforms

(Page 2983. Acts 1913, ch. 132)

SECTION 1. *Restriction in dealing forbidden.*—It shall be unlawful for any railroad or other transportation company doing business in the State of Nevada, or any officer, agent, or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, or any other employee, as a condition of his continued employment, or otherwise to require or compel or attempt to require or compel any such employee to purchase of any such railroad or other transportation company, or of any particular person, firm, or corporation, or at any particular place or places any uniform or other clothing or apparel required by any such railroad or transportation company to be used by any such employee in the performance of his duty as such; any such railroad or transportation company, or any officer, agent, or servant thereof who shall order or require any conductor, engineer, brake-

man, fireman, or any other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid shall be deemed to have required such purchase as a condition of such employee's continued employment.

SEC. 2. *Violations.*—[Violations are punishable by a fine, not less than $100 nor more than $500, or by imprisonment not exceeding six months.]

Mine regulations

(Page 3081. Acts 1913, ch. 64)

SECTION 1. *Openings.*—[Openings between contiguous mines must not be closed or passage refused so as to prevent their use in case of accident.]

SEC. 2. *Tools.*—[If doors have been erected, tools must be kept available for opening them.]

SEC. 3. *Violations.*—[Penalties of fine not over $500 or imprisonment not over 6 months, or both, are fixed for violations.]

Mine regulations

(Page 3081. Acts 1913, ch. 125)

SECTION 1. *Drilling dry rock.*—[Where drilling rock by machinery creates dust, a water jet or spray or similar devices must be used to prevent its escape.]

SEC. 2. *Use.*—[Where a drill is equipped as above directed, workmen must not drill holes without using the appliance to prevent dust.]

SEC. 3. *Violations.*—[Violations of either section are misdemeanors.]

Mine regulations—Sprinkling

(Page 3082. Acts 1913, ch. 215)

SECTION 1. *Sprinklers to be provided, when.*—[Sprinklers must be furnished at chutes from which dusty ore or rock is taken, unless the inspector exempts specific property as impracticable for such equipment.]

SEC. 2. *Location.*—[The location must be such that car loaders can operate such sprinkling device.]

SEC. 3. *Sorting.*—[Ore houses where dusty ore or rock is sorted must be furnished with clean water for sprinkling. The act does not apply if there are less than 10 men in the mine, or if the chutes are loaded in the open air.]

Mine regulations—Certain employees to speak English

(Page 3083. Acts 1913, ch. 285)

SECTION 1. *Men handling explosives, etc.*—It shall be unlawful for any person, firm, or corporation to employ in any underground mine in the State of Nevada, or in the handling of explosives either in underground mines or surface mine workings in the State of Nevada, any person or persons who can not clearly speak and readily understand the English language, or who can not readily read and understand any sign, notice, or list of rules or directions printed in the English language in regard to rules of safety in said underground mine, or in the handling of said explosives.

SEC. 2. *Violations.*—[Penalties of fine $100 to $500 or imprisonment not over 6 months, or both, are fixed for violations.]

Mine regulations—Supply of drinking water

(Page 3083. Acts 1915, ch. 73)

SECTION 1. *Water to be supplied.*—Every corporation, company, owner, or operator of a mine or underground workings in this State employing more than five men, shall, during working hours, provide suitable receptacles containing fresh, clean water for drinking purposes at places convenient to where men are employed in said underground workings. Said receptacles shall be supplied with a substantial cover which may be securely fastened or locked to prevent dust or dirt from entering therein, and shall be so made that the water shall be drawn from a valve or faucet.

SEC. 2. *Enforcement.*—It shall be the duty of the State inspector of mines to enforce the provisions of this act.

SEC. 3. *Violations.*—[Penalty for violation is a fine, $100 to $500, or imprisonment not over six months, or both.]

Labor commissioner

(Page 3083. Acts 1915, ch. 203)

SECTION 1 (as amended 1919, ch. 56). *Office created.*—There is hereby created the office of labor commissioner of the State of Nevada, and one member of the Nevada Industrial Commission, other than the chairman, shall be designated by the governor to act as ex officio labor commissioner. Said commissioner shall receive as compensation for his services as labor commissioner a salary of fifteen hundred ($1,500) dollars per annum, payable in monthly installments out of the State treasury of Nevada as other salaries are paid. Said commissioner may employ stenographic or clerical help not to exceed fifteen hundred ($1,500) dollars per annum, and statistical assistance not to exceed three hundred ($300) dollars per annum. Said labor commissioner shall be entitled to receive from the State, when travel is necessary in the performance of his official duty, reimbursement for the actual cost of transportation to points within the State over the shortest usually traveled route, and such other expenses as are allowed to other State officers.

SEC. 2 (as amended 1923, ch. 53). *Biennial report.*—Said commissioner shall collect and systematize and present in biennial reports to the governor and legislature such statistical details relating to labor in the State as said commissioner may deem essential to further the objects of this act.

SEC. 4 (as amended 1921, ch. 138). *Duties of commissioner.*—Said commissioner shall inform himself of all laws of the State for the protection of life and limb in any of the industries of the State, all laws regulating the hours of labor, the employment of minors, the payment of wages, and all other laws enacted for the protection and benefit of employees, and shall have the power and authority, when in his judgment he deems it necessary, to take assignment of wage claims and prosecute actions for collection of wages and other demands of persons who are financially unable to employ a counsel in cases in which, in the judgment of the commissioner, the claims for wages are valid and enforceable in the courts; and it shall be the duty of said labor commissioner to enforce all labor laws of the State of Nevada, the enforcement of which is not specifically and exclusively vested in any other officer, board, or commission, and whenever after due inquiry he shall be satisfied that any such law has been violated, or that persons financially unable to employ a counsel have a valid and enforceable claim for wages or other demand, he shall present the facts to the district attorney of the county in which such violation occurred or wage claim accrued, and it shall be the duty of such district attorney to prosecute the same.

SEC. 5. *Cooperation.*—Said labor commissioner shall cooperate with such bureaus or departments of labor of the National Government and other States as may be established.

SEC. 6. *Duty of officers.*—It shall be the duty of all State, county, and precinct officers to furnish, upon written request of said labor commissioner, all information in their power necessary to assist in carrying out the objects of this act.

SEC. 7. *Office hours.*—The office of the bureau shall be open for business from 9 a. m. until 5 o'clock p. m. every day, except Sunday and the holidays observed by other State officers; and the officers shall give to all persons requesting it all needed information which they may possess: *Provided*, That no information that is of such a nature that it would be against public policy and against the best interest of the bureau will be given to anyone.

SEC. 8. *Witnesses.*—Said labor commissioner shall have the power to examine witnesses, administer oaths, and take testimony in all matters relating to the duties and requirements of this act, and such testimony shall be taken in some suitable place in the vicinity to which the testimony is applicable. Said labor commissioner may compel the attendance of witnesses, and may issue subpoenas: *Provided, however*, That no witness fees shall be paid to any witness unless he be required to testify at a place more than five miles from his place of residence, in which event the witness shall be paid the same fees as a witness before a district court, such payment to be made from the fund appropriated for such purposes in the county in which the

testimony is taken and witness examined in the same manner as provided for the payment of witness fees in the district court of such county. Any person duly subpœnaed under the provisions of this section, who shall willfully refuse or neglect to testify at the time and place named in the subpœna, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment.

SEC. 9. *Entering work places.*—Said labor commissioner shall have the power to enter any store, foundry, mill, office, workshop, mine, or public or private works at any reasonable time for the purpose of gathering facts and statistics contemplated by this act, and to examine safeguards and methods of protection from danger to employees; the sanitary conditions of the buildings and surroundings, and make a record thereof; and any owner, corporation, occupant, or officer who shall refuse such entry to said labor commissioner, his officers or agents, shall be guilty of a misdeameanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than ten days nor more than thirty days, or by both such fine and imprisonment.

SEC. 10. *Bulletins.*—The labor commissioner is hereby authorized, with the approval of the board of examiners, to compile and issue such bulletins pertaining to labor and industries of the State as he may deem necessary, and such bulletins, when approved for printing and distribution, shall be printed at the State printing office.

SEC. 11. *Forms, etc.*—Said labor commissioner shall prepare forms and blanks for the purpose of gathering the information and statistics required by this act, and may require any person, firm, or corporation to give the information and statistical detail designated in such forms, and any person, firm, or corporation who shall refuse to furnish such detail and statistics in the form required shall be guilty of a misdemeanor, and upon conviction thereof may be fined not less than one hundred dollars nor more than five hundred dollars.

SEC. 12 (as amended 1919, ch. 56). *Printing.*—All forms, blanks, envelopes, letterheads, circulars, bulletins and reports required to be printed by said labor commissioner shall be printed at the State printing office in the same manner and under the same regulations which are specified in an act entitled "An act to designate and authorize the work to be done in the State printing office," approved March 5, 1909.

SEC. 13. *Prosecutions.*—It shall be the duty of the district attorneys of the several counties, upon the complaint of the labor commissioner, to prosecute all violations of law which may be reported to said district attorney by the labor commissioner.

SEC. 15. *Offices.*—The labor commissioner shall be provided with properly furnished offices at the capital in Carson City, Nev.

Employment of labor—False representations

(Page 3390. Acts 1913, ch. 276)

SECTION 1. *False representations of employers.*—Any person, persons, partnership, association, company, or corporation (his or its officers, directors or agents), who or which shall employ upon wages any person or persons in any occupation, and who or which at the time of employing such person or persons shall make any false representation or pretenses as to having sufficient funds to pay such wages, and who after labor has been done under such employment by said employee or employees shall fail upon the discharge or resignation of such employee or employees, for a period of five days after such wages are legally payable, to pay said employee or employees on demand the wages due said employee or employees for such labor, shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punishable by imprisonment in the county jail not to exceed six months, or by a fine not exceeding five hundred dollars ($500), or by both such fine and imprisonment.

Protection of employees as voters, etc.

(Page 3391 Acts 1915, ch. 62)

SECTION 1. *Interference forbidden.*—It shall be unlawful for any person, firm, or corporation doing business or employing labor in the State of Nevada to

make any rule or regulation, prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office in this State.

SEC. 2. *Violations.*—Any person, firm, or corporation violating the provisions of this act shall upon conviction thereof be fined in a sum of not less than one hundred dollars nor more than five hundred dollars. The foregoing penalty shall be recovered in a suit brought for that purpose by the attorney general in the name and for the benefit of the State of Nevada, but no such prosecution shall be commenced later than three months after the commission of the offense herein described. In all prosecutions hereunder the person, firm, or corporation violating this act shall be held responsible for the acts of his, her or its managers, officers, agents and employees.

SEC. 3. *Damages.*—Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his or her employer for injury suffered through violation of this act.

ACTS OF 1923

CHAPTER 47.—*Highway-construction camps*

SECTION 1. *Scope; requirements.*—[Bunk-houses, tents, or other suitable sleeping places must be provided at all highway-construction camps at which five or more persons are employed. These must be kept in good condition, cleanly and free from vermin and infectious matter, dirt and dampness.]

SEC. 2. *Air space; beds.*—[Adequate air space, suitable bunks of steel, canvas, or other sanitary material must be supplied, and, if requested and at his cost, each employee must be furnished a mattress or other bedding.]

SEC. 3. *Preparation of food.*—[Cleanliness of preparation, service, dishes, etc., is prescribed.]

SEC. 4. *Toilet facilities.*—[Privies or other toilet conveniences must be provided and kept in a sanitary condition.]

SEC. 5. *Garbage, etc.*—[Kitchen waste and other rubbish must be placed in suitable receptacles and be so disposed of as not to become offensive or insanitary.]

SEC. 6. *Observance.*—[It is the duty of employers in camps to which this law applies to observe its provisions, and to appoint some responsible person to keep the camp clean.]

SEC. 7. *Enforcement.*—[It is the duty of the State board of health to enforce the act, making such inspections as are necessary to see if the law is complied with.]

SEC. 8. *Penalties.*—[Failure to comply with the law is punishable as a misdemeanor, by a fine not exceeding $200, or imprisonment not over 60 days, or both.]

CHAPTER 121.—*Free public employment offices*

SECTION 1. *State employment service.*—The State free employment service of the State of Nevada is hereby established. The commissioner of labor shall also be the executive officer of the State free employment service, and the management of such service shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of said commissioner of labor as may be required in carrying out the provisions of this act, such agents being located at convenient points in the State for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point and to use their best endeavors to keep the supply of labor filled at the places where it is desired and in seasonable time.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with the governing bodies of cities, towns, or counties which desire such service, to use a portion of the fund provided by the State to assist in the maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems it to be for the best interest of employment, and maintain the same.

The commissioner of labor, in the capacity of head of the State free employment service, is hereby empowered to employ such clerical assistants as are necessary to carry out the provisions of this law and fix their compensation; to secure and distribute the necessary books and forms for keeping a record of the movement of labor, registration and placements, and all reports required to be made to that end.

SEC. 2. *Duties.*—The agents in charge of any of the State free employment offices established under the provisions of this act, and under the direction of the commissioner of labor, shall receive applications from those seeking employment and from those seeking employees, and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

SEC. 3. *Reports.*—Each such agent shall make the commissioner of labor such periodic reports of applications for labor or employment and all other details of the office work of each office and the expense of maintaining the same as the commissioner may require.

SEC. 4. *Advertising.*—The commissioner of labor shall have power to solicit business for the State free employment service, established under this act, by advertising in newspapers and any other way he may deem expedient: *Provided*, That the expenditure under the provisions of this act shall not exceed 10 per cent of the total expenditure.

SEC. 5. *Fees.*—No fees, direct or indirect, shall in any case be charged or received from those seeking the benefits of this act.

SEC. 6. *Violations.*—Any agent or clerk, subordinate or appointee appointed under the provisions of this act who shall accept, directly or indirectly, any fee, compensation, or gratuity from anyone seeking employment, or from anyone offering employment, under this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars ($100) or by imprisonment in jail not to exceed three months, or both, and shall thereafter be disqualified from holding any office or position in such department.

SEC. 7. *Strike notice to be posted.*—An employer, or a representative of employers or employees, may file at a State free employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given to the first statement. If an employer affected by a statement notifies the State free employment service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 8. *Cooperation with Federal bureaus.*—The commissioner of labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment and maintenance within the State of Nevada of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and of carrying on any such bureau shall be borne by the cooperative parties upon an equitable basis to be agreed upon between them.

SEC. 9. *Appropriation.*—There is hereby appropriated for the purpose of this act, out of any moneys in the State treasury not otherwise appropriated, the sum of fifteen hundred dollars ($1,500), or as much thereof as may be necessary to carry out the provisions of this act.

CHAPTER 151.—*Strikes—Notice to be signed by citizens*

SECTION 1. *Strike notice.*—It is hereby made unlawful for any person, firm or association to issue, cause to be issued, circulate or cause to be circulated any printed or written matter, notifying or advising the public or any organization by mail, or hand to hand, that a strike exists or is called in any place within the State of Nevada, unless the circular, letter or notice so issued shall contain the signatures of at least three persons who at the time of signing said circular were residents and citizens of the State for a period of six months, and copy of same shall be furnished the labor commissioner of the State of Nevada.

SEC. 2. *Violations.*—[Violations entail a fine, $100 to $300, or imprisonment, 30 days to 6 months, or both.]

NEW HAMPSHIRE

PUBLIC STATUTES—1891

CHAPTER 159.—*Railroads—Structures over tracks*

SECTION 26. *Telltales to be erected.*—The proprietors of every railroad shall erect and maintain bridge guards at each end of every bridge or other structure erected less than eighteen feet above the track of their railroad, the character and location of which shall be approved by the board of railroad commissioners.

SEC. 27. *Penalty.*—If the proprietors of any railroad shall fail to comply with the provisions of the preceding section, they shall forfeit fifty dollars for each month of continuance in such failure.

CHAPTER 180.—*Hours of labor*

SECTION 20. *Ten hours a day's work.*—In all contracts relating to labor, ten hours' actual labor shall be taken to be a day's work unless otherwise agreed by the parties.

CHAPTER 180.—*Payment of wages—Weekly pay day*

SECTION 21 (as amended 1921, ch. 68). *Scope of law.*—Every person, firm, or corporation engaged in the business of manufacturing, mining, quarrying, or stonecutting, or in a mercantile, railroad, telegraph, telephone, express, or aqueduct business, and every municipal corporation, having in his or its employment more than ten persons at one time, shall pay the wages earned each week by employees who work by the day or week, within eight days, including Sunday, after the expiration of the week. Every such person, firm, or corporation shall post a notice in a conspicuous place in his or its office that wages will be so paid, and shall keep the same so posted. This act shall not apply to employees engaged in the cutting, harvesting, and driving of pulpwood and timber.

SEC. 22 (as amended 1921, ch. 68). *Penalty.*—If any such person, firm, or corporation shall violate the provisions of the preceding section, he or it shall be fined not more than twenty-five dollars for each offense, provided a prosecution therefor is begun within thirty days after the offense is committed, but not otherwise.

SEC. 23. *Exemptions.*—The provisions of the two preceding sections shall not apply to municipal officers whose services are paid for by the day, nor to teachers employed by school districts.

CHAPTER 201.—*Wages as preferred claims—In assignments*

SECTION 32. *Amount.*—[Wage debts in the sum of $50 earned within 6 months prior to the beginning of insolvency proceedings are to be paid next after debts due the United States, and taxes.]

CHAPTER 215.—*Assignments of wages—Future earnings*

SECTION 4. *Assignments not valid unless filed.*—No assignment of, or order for, wages to be earned in the future shall be valid against a creditor of the person making it, until it has been accepted in writing and a copy of it and of the acceptance has been filed with the clerk of the town or city where the party making it resides. The clerks of towns and cities shall keep for public inspection an alphabetical list of all such orders and assignments filed with them.

CHAPTER 245.—*Exemption of wages from execution*

SECTION 20. *What exempt.*—[Exempt from process are: Wages earned after the service of the writ; wages to the amount of $20 earned before the service of the writ, unless it is for necessaries; and earnings of the wife and minor children of the defendant.]

CHAPTER 264.—*Interference with employment*

SECTION 2. *Insults, etc.*—No person shall address any offensive, derisive, or annoying word to any other person who is lawfully in any street or other public place, nor call him by any offensive or derisive name, nor make any noise or exclamation in his presence and hearing with intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business or occupation.

SEC. 20. *Penalty.*—A person convicted of any offense mentioned in the preceding sections shall be fined not exceeding twenty dollars, or be imprisoned not exceeding six months.

CHAPTER 265.—*Employment of children—Certain occupations forbidden*

SECTION 3. *Acrobatic, etc., occupations.*—[The employment of children under 14 in dancing, singing, ropewalking, as acrobats, etc., is forbidden.]

CHAPTER 266.—*Interference with employment*

SECTION 12. *Interference with workmen, etc.*—If any person shall interfere in any way whatever to injure or damage another in his person or property, while engaged in his lawful business, trade, or occupation, or while on the way to or from the same, or shall endeavor to prevent any person from engaging in his lawful business, trade, or calling, he shall be fined not exceeding five hundred dollars, or be imprisoned not exceeding one year: *Provided, however*, It shall not be unlawful for any person to reason, talk or argue with, and by arguments persuade or induce such other person to do any act or thing or pursue any line of conduct which is not the commission of an offense under the laws of this State.

CHAPTER 273.—*Labor organizations—Embezzlement of funds by officers*

SECTION 17 (as amended 1905, ch. 1). *Embezzlement.*—If any officer, agent, or servant of a corporation, public or private, or the clerk, servant, or agent of a person, shall embezzle or fraudulently convert to his own use any money, bill, note, or security for money, evidence of debt, or other effects or property whatever of such person or corporation, or in their possession or keeping, or shall knowingly or voluntarily pay or deliver any such money, bill, note, security for money, evidence of debt, or other effects or property to any person or to the order of any person, knowing that such person is not entitled to receive it, and punishment is not otherwise specially provided for the offense, he shall be fined not exceeding two thousand dollars, or be imprisoned not exceeding five years, or both. And if any officer, agent, clerk or servant of any incorporated or unincorporated trades-union, fraternal or benevolent association, club, society, or other association of persons levying assessments or dues upon its members or supported in whole or in part by their voluntary contribution, shall embezzle, fraudulently convert, or knowingly or voluntarily misapply any money or other effects or property of such association as aforesaid, he shall be deemed guilty of an offense under this section and punished as herein provided, notwithstanding that he may have an interest in said money, effects, or property.

ACTS OF 1893

CHAPTER 39.—*Railroads—Bridges over tracks*

SECTIONS 1-3. *Height.*—[The board of railroad commissioners may require railroads to raise any railroad or highway bridge. New covered railroad bridges must afford a clearance of at least 21 feet, except by written consent of the commissioners. Freight cars over 14 feet high to top of running board shall not be received or hauled. Violations incur a penalty of $50 for each day.]

CHAPTER 48.—*Bureau of labor—Commissioner*

SECTION 5. *Duties.*—The duties of the commissioner shall be to collect, assort, arrange, and present in annual reports, on or before the first day of January each year, statistical details relating to all departments of labor in the State of New Hampshire, especially in relation to the commercial, industrial, social,

educational, and sanitary condition of the laboring classes, and the permanent prosperity of the productive industry of the State.

ACTS OF 1895

CHAPTER 16.—*Seats for female employees*

SECTION 1. *Seats to be provided.*—Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment in this State, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

SEC. 2. *Penalty.*—Any person, firm, or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each offense.

ACTS OF 1899

CHAPTER 69.—*Protection of employees on street railways*

SECTIONS 1–3. *Inclosed platforms.*—[All street railway companies must inclose the platforms of their cars in such manner, for such times and on such routes as the railroad commissioners may direct, for the protection of employees. Failure to comply entails a penalty of $50 for each day.]

ACTS OF 1901

CHAPTER 60.—*Private employment offices*

SECTION 1. *License.*—[Proprietors of employment offices must hold licenses, subject to a penalty of $10 per day.]

SECS. 2–5. *Issue.*—[Mayors, aldermen, and selectmen are charged with the duty of issuing licenses. Records of licenses, showing name, location and nature of business, must be kept. Licenses run to May 1 of each year. A reasonable fee, not less than $2, shall be charged for such license.]

SEC. 6. *Removal.*—[Licenses are valid only for the place named therein, unless consent to removal is granted by the issuing authorities.]

SEC. 7. *Revocation.*—[If a license is revoked, record must be made of the fact, and notice served on the licensee.]

ACTS OF 1907

CHAPTER 113.—*Safety appliances on electric railways—Power brakes*

SECTION 1. *Brakes to be provided.*—On or before May 1st, 1910, all eight-wheeled or double-truck cars, so called, operated by electric power, for the purpose of conveying passengers, by any street railway in the State of New Hampshire shall be provided with power brakes of a standard of efficiency to be approved by the railroad commissioners.

SEC. 2. *Violation.*—Any street railway failing to comply with the provisions of section 1 of this act shall be liable to a fine of ten dollars ($10) per day for each car operated without such equipment.

ACTS OF 1911

CHAPTER 30.—*Accidents in factories—Provision for first aid*

SECTION 1. *Medical, etc., supplies.*—Every person, firm or corporation operating a factory or shop in which power machinery is used for any manufacturing purpose and in which three or more persons are employed, or for any purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

SEC. 2. *Violations.*—Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

CHAPTER 58.—*Employment of labor—Foremen, etc., accepting fees*

SECTION 1. *Acceptance forbidden.*—No agent, superintendent, foreman, or other employee of any corporation, firm, copartnership, or of any person, shall obtain money or property of any kind whatsoever, or obtain a promise to pay money or property of any kind whatsoever, from, for, or in behalf of any person for the purpose of procuring employment for such person in the service of said corporation, firm, copartnership, or person.

SEC. 2. *Workmen not to offer fees.*—No person whomsoever shall offer or promise to pay money or other property of any kind to any agent, superintendent, foreman, or employee of any corporation, firm, copartnership, or of any person whomsoever, for the purpose of securing employment or promise of employment for any other person or persons, in the service of said corporation, firm, copartnership, or person.

SEC. 3. *Violations.*—Any violation of any of the provisions of this act shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or both.

SEC. 4. *Construction of act.*—The provisions of this act shall not be so construed as to affect or impair the right of any corporation, firm, copartnership or person to hire laborers, or accept apprentices in the ordinary and usual course of business, or in any way abridge the right to obtain and exercise licenses to run employment offices as provided by law.

CHAPTER 78.—*Payment of wages*

SECTION 1 (as amended 1921, ch. 68). *Weekly payments in cash.*—Weekly payment of wages by every person, firm or corporation engaged in the business of manufacturing, mining, quarrying, or stonecutting, or in a mercantile, railroad, telegraph, telephone, express or aqueduct business, and every municipal corporation, as contemplated by section 21, chapter 180 of the Public Statutes * * * shall be made in cash, and no employee shall be compelled by his employer to accept any goods or merchandise in payment of wages.

SEC. 2. *Checks permitted.*—Nothing in the preceding section shall be held to invalidate or prevent payment of wages by check or checks wherever such form of payment is acceptable to the employee to whom payment is made.

CHAPTER 164.—*Accidents to public service employees*

SECTION 15 (as amended 1913, ch. 145). *Reports, etc.*—[All railroad corporations and public utilities are required to report to the State public service commission all accidents causing death or injury to persons; and it is the duty of the commission to investigate the cause of all fatal accidents, and of such other accidents as it thinks ought to be investigated. Reports of accidents are not to be made public otherwise than in the published reports of the commission.]

CHAPTER 198.—*Arbitration of labor disputes—Bureau of labor*

SECTION 1 (as amended 1913, ch. 70). *Bureau of labor created.*—The office of commissioner of labor is hereby abolished and a bureau of labor is established in place thereof in accordance with the provisions of this act. Said bureau of labor shall consist of a labor commissioner who shall be appointed by the governor with the advice and consent of the council, within thirty days after the passage of this act, and such clerks and assistants as shall be necessary for the performance of the duties of the bureau. The labor commissioner shall hold his office for three years from the date of his appointment and until his successor shall be appointed and qualified, and he may be removed at any time by the governor with the advice and consent of the council, for cause, and his successor shall be appointed in the same manner for the same term. Any vacancy existing in the office of labor commissioner shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the council. Said commissioner shall appoint a clerk of the bureau and such other clerical assistants as may be necessary and fix their compensation subject to the approval of the governor and council. The records of said bureau shall be public records open to the inspection of any person interested. The salary of said labor commissioner shall be one thousand six hundred dollars ($1,600) a year, payable monthly by the State treasurer in

full for his servises, and his actual expenses incurred in the work of his office shall be paid by the State treasurer on duly detailed vouchers approved by the governor.

SEC. 2. *Duties and powers.*—Said labor commissioner shall exercise and perform all the powers and duties heretofore exercised and performed by the commissioner of labor, together with such other powers and duties as are authorized by this act. It shall be the duty of the commissioner, without notice, at such times as he shall deem it necessary, to visit the manufacturing, mechanical, and mercantile establishments in the State, so far as practicable, for the purpose of ascertaining whether the laws with reference to the employment of help are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained calculated to promote the health and welfare of the working people. If he shall deem it necessary, he shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. Whenever he shall deem it necessary, the commissioner shall prosecute any offences against the laws regulating the employment of help.

SEC. 3 (added 1913, ch. 186). *Board of conciliation and arbitration.*—There shall be a State board of conciliation and arbitration consisting of three persons who shall be appointed by the governor, with the advice and consent of the council, not later than July 1st, 1913, for the terms of one, two, and three years, respectively. Thereafter the governor, with the advice and consent of the council shall annually, in June, appoint a member whose term shall be three years from the first day of July following. One member of said board shall be an employer or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor, and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon a third member he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office, be sworn to the faithful performance thereof. The board shall choose from its members a chairman, who shall preside at its meetings.

SEC. 4 (as amended 1917, ch. 142). *Mediation.*—Whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether individual, copartnership, or corporation, and whether resident or nonresident, and his or their employees, such controversy involving the interests of employees not less than ten persons in the same general line of business in this State, the labor commissioner shall, upon application as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into all the conditions and circumstances of the situation, hear all persons interested therein who may come before him, advise the respective parties what, if anything, ought to be conceded by either or both, and adjust such controversy or difference and, within five days after such inquiry, make a written decision thereon, a copy of which shall be furnished the parties and a copy kept on file in the bureau of labor.

Neither the proceedings nor any part thereof before the labor commissioner by virtue of this section shall be received in evidence for any purpose in any judicial proceeding before any other court or tribunal whatever.

SEC. 6 (as amended 1913, ch. 186). *Arbitration.*—Whenever in case of any such controversy or difference the employer and employee shall fail to agree to a settlement through the commissioner as provided in section 4, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to said board of arbitration. The findings of said board of arbitration shall be final. Said findings shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employees by posting the same in three conspicuous places in the place of employment. Pending the decision of the board the business shall continue on the existing basis and the employees remain at work and said board shall render its decision within seven days after the completion of their hearing, and if said hearing is on question of wages said decision to revert back to the date when the employees presented their demand in writing to said employer. The chairman of said board shall keep a record of the proceedings, issue subpœnas, and administer oaths

to the members of said board and to any witness said board may deem necessary to summon. Any notice or process issued by said board may be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service. Such arbitrators shall receive eight dollars ($8) per day for each day actually engaged in such arbitration and the necessary traveling expenses, to be paid upon vouchers signed by the labor commissioner with the approval of the governor out of the funds appropriated for the maintenance of the bureau of labor.

SEC. 7 (as amended 1913, ch. 186). *Refusal to arbitrate.*—Upon the failure of the labor commissioner in any case to secure a reference to said board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire to use it.

SEC. 8 (as amended 1913, ch. 186). *Notice by third parties of disputes.*—Whenever it shall come to the knowledge of said labor commissioner, either by notice from a mayor of a city, the county commissioners, the president of a board of trade, or other representative body, the president of a central labor council or assembly, or of any five reputable citizens, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or town of the State involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said commissioner shall be satisfied that such information is correct, it shall be the duty of such commissioner, within three days thereafter, to put himself in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them or to persuade them to submit the matter to said board of arbitration and conciliation and to act as hereinbefore provided in case of disputes and controversies. In case the parties do not agree to so submit the matter, the said commissioner may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility.

SEC. 9. *Report.*—The said commissioner shall annually make a report of the proceedings of the bureau of labor to the governor and council containing the transactions of the office and such other matters and recommendations as he shall deem proper.

ACTS OF 1913

CHAPTER 38.—*Payment of wages—Biweekly pay day—Public employees*

SECTION 1. *Biweekly payments.*—All persons performing regular work in the service of the State of New Hampshire who are not under salary shall receive their wages in biweekly payments.

CHAPTER 118.—*Occupational diseases—Reports*

SECTION 1. *Physician to report.*—Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury, or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within 48 hours send to the State board of health a report stating:

(a) Name, address, and occupation of patient.

(b) Name, address, and business of employer.

(c) Nature of disease.

(d) Such other information as may be reasonably required by the State board of health. The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the State board of health, shall be a compliance with this section.

SEC. 2. *Blanks.*—The State board of health shall prepare and furnish, free of cost, to the physicians included in section 1, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State board of health.

SEC. 3. *Reports not evidence.*—Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 4. *Violation.*—Any physician who neglects or refuses to send the report or reports as herein required shall be liable to the State for a penalty of five dollars for each offense, recoverable by civil action by the State board of health.

SEC. 5. *Transmission of reports.*—It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the commissioner of labor.

CHAPTER 156.—*Employment of women and children—Hours of labor*

SECTION 1 (as amended 1917, ch. 196). *Hours of labor per day and week.*—No female, or minor under eighteen years of age shall be employed or be permitted to work at manual or mechanical labor in any employment, except household labor and nurses, domestic, hotel and boarding house labor, operators in telephone and telegraph offices and farm labor, more than ten and one-quarter hours during any one day, or more than fifty-four hours in any one week. Where a minor under eighteen years of age or a female is employed in the same day or week by more than one employer in manual or mechanical labor in any employment, except household labor and nurses, domestic, hotel and boarding house labor, operators in telephone and telegraph offices and farm labor, the total time of employment shall not exceed that allowed per day or week in a single employment. No such minor or female shall be employed or permitted to work at night work more than eight hours in any twenty-four hours nor more than forty-eight hours during the week. If any such minor or female is employed or permitted to work more than two nights each week for any time between the hours of eight o'clock p. m. and six o'clock a. m. of the day following, such employment shall be considered night work. Mercantile establishments for the period of seven days immediately preceding Christmas Day in each year are, as to regular employees, excepted from the operation of this section, but the total number of hours of labor, for any female, or minor under eighteen years of age, regularly employed in such establishment, shall not exceed fifty-four hours per week for the full year.

SEC. 2 (as amended 1917, ch. 196). *Schedule to be posted.*—Every employer shall post in a conspicuous place in every room, where such minors or females are employed, a printed notice stating the hours of commencing and stopping such work, the time allowed for dinner or other meals, and the maximum number of hours any such minor or female employee is permitted to work in any one day.

SEC. 3 (as amended 1917, ch. 196). *Evidence.*—The employment of any female, or minor under eighteen years of age, in any such place or establishment, as defined in section one of this chapter, at any time other than those of the posted hours of labor, as hereinbefore provided for, shall be prima facie evidence of a violation of this act.

SEC. 4. *Penalty.*—[Any person or corporation violating any of the provisions of this act must, on conviction, be punished by a fine of not less than fifty dollars nor more than one hundred dollars.]

CHAPTER 185.—*Inspection of steam vessels*

SECTION 1 (as amended 1915, ch. 117). *Inspector.*—[An inspector of boats operated by power is to be employed by the public service commission, to inspect such boats operated as common carriers or kept for hire, not subject to United States inspection laws. Such assistants as are needed may also be employed. Examination and certification of masters, engineers, etc., also vests with the inspector and his assistants.]

SEC. 3. *Certificates required.*—[The use or operation of any boat or launch as above, on any public water of the State without a certificate of inspection is forbidden.]

CHAPTER 188.—*Holiday labor*

SECTION 1. *Unnecessary work forbidden.*—No employee shall be required to work in any mill or factory on any legal holiday, except to perform such work as is both absolutely necessary and can lawfully be performed on the Lord's Day.

SEC. 2. *Violation.*—Whoever violates the provisions of this act shall be punished by a fine not exceeding five hundred dollars.

CHAPTER 212.—*Employment of labor—Notice of disputes*

SECTION 1 (as amended 1917, ch. 99). *Notice required.*—If any employer during the continuance of a strike among his employees, or during the continuance of a lockout or other labor trouble among his employees, publicly advertise in newspapers, or by posters or otherwise, for employees, or by himself or his agents solicits persons to work for him to fill the place of strikers, he shall plainly and explicitly mention in such advertisements or oral or written solicitations that a strike, lockout or other labor disturbances exists. No person, firm, association or corporation shall knowingly publish or circulate any advertisement for employees which does not comply with the provisions of this section.

SEC. 2. *Act not operative, when.*—The provisions of this act shall cease to be operative when the State board of arbitration shall determine that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner, and to the normal and usual extent. Said board shall determine this question as soon as may be, upon the application of the employer.

SEC. 3 (as amended 1923, ch. 92). *Violations.*—[Violations entail fine not exceeding $100, or imprisonment not exceeding 6 months, or both.]

ACTS OF 1915

CHAPTER 45.—*Public works—Preference to resident bidders*

SECTION 1. *What bidders preferred.*—In the award of contracts for any construction, repairs, furnishing, or equipment to be paid for by money from the State treasury, preference shall be given to the New Hampshire persons, firms, and corporations submitting bids for the same: *Provided*, That the responsibility of the bidders and the quality of the work to be done or article to be furnished shall be equal to those proposed by bidders from without the State, and that the price demanded therefor is not greater than that proposed by said bidders from without the State.

CHAPTER 123.—*Fire escapes on factories, etc.*

SECTION 1. *What buildings to have fire escapes.*—No building three or more stories in height used or occupied above the second story as a * * * factory, mill, or workship [workshop], * * * shall be let, leased, or occupied for such purposes, * * * unless provided with a steel or wrought-iron balcony and stairway fire escape attached to the outer wall in such manner and place as to render egress from said building easy and safe, and shall be subject to the approval as to location of the selectmen of towns or of such city officials as may be designated by the city governments for that purpose. If any such building be of a length greater than one hundred and fifty feet, it shall be provided with one additional such fire escape for each additional one hundred and fifty feet or fractional part thereof. Every building in which laborers are employed shall be provided with sufficient means of escape in case of fire by more than one exit, each of which shall be at all times free from obstruction and ready for immediate use. Every door leading into any such building shall be so constructed as to open outward when practicable, and shall not be so locked, bolted, or fastened during working hours as to prevent free egress. This act shall not apply to buildings which contain an approved sprinkler system and stairways enclosed with fireproof walls, or other means of exit duly approved in writing by the selectmen of towns or by such city officials as may be designated by city governments for that purpose. But it shall not be necessary to secure the approval of said officers for any such building as has been theretofore duly approved by officials authorized at the time of such approval to grant the same.

SEC. 2. *Height, etc.*—Such fire escapes shall reach within eight feet of the ground, and the locations of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act.

SEC. 3. *Violations.*—If any person shall violate any of the provisions of this act he shall be fined not exceeding five hundred dollars or be imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act.

ACTS OF 1917

CHAPTER 3.—*Contract of employment—Repayment of advance*

SECTION 1. *Failure to repay.*—Whoever enters into an agreement to labor for another in any lumbering operation or in driving logs and in consideration thereof receives any advance of goods, money, or transportation, and without cause fails to enter into said employment as agreed, and labor for a sufficient length of time to reimburse his employer for said advances and expenses of transportation, shall be punished by fine of not exceeding $10 or by imprisonment not exceeding thirty days.

CHAPTER 177.—*Antitrust law—Labor organizations, etc., exempt*

SECTION 7. *Exemptions.*—Nothing contained in this act shall be construed to forbid the existence and operation of labor, agriculture, or horticultural organizations, instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or members thereof be held or considered to be illegal trusts or conspiracies against trade under this act.

CHAPTER 183.—*Factory, etc., regulations*

SECTION 1 (as amended 1921, ch. 130). *Scope of act.*—This act shall apply only to factories, mills, workshops, or other manufacturing or mercantile establishments in which three or more persons are regularly employed. The term employer as used in this act shall mean and include every person, firm, corporation, or association operating in this State a factory, mill, workshop, or other manufacturing or mercantile establishment in which three or more persons are regularly employed. The term place of employment shall mean and include any mill, workshop, or other manufacturing or mercantile establishment where three or more persons are regularly employed, and all buildings, sheds, structures, or other places used in connection therewith. The term employee shall mean and include every person employed to work in any such place of employment.

SEC. 2. *Safety appliances.*—Whenever the nature or condition of any such place of employment or the machinery or other appliances therein are such as to render employment therein or in proximity thereto dangerous to the safety or health of such employees, it shall be the duty of every such employer to provide and maintain such safeguards, safety devices, appliances, lighting facilities, and do such other things as may be reasonably necessary and practicable to lessen the dangers of such employment. Every such employer shall provide and maintain reasonable and proper toilet facilities and reasonably sanitary and hygienic conditions for such employees.

SEC. 3. *Removing guards.*—No person shall, so as to interfere with the intended use thereof, remove, displace, damage, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, and no person shall interfere with the use of any methods or processes adopted for the protection of any employee in such employment or place of employment.

SEC. 4. *Inspection.*—(1) The commissioner of labor shall cause every place of employment to be inspected as soon as may be after the passage of this act, and at least once each year thereafter, for the purpose of determining the conditions in such place of employment with respect to the safety and health of the employees working therein.

(2) A report of such inspection shall be filed in the office of the commissioner of labor and a copy thereof given the employer.

(3) The commissioner of labor, factory inspectors, and other assistants of the commissioner of labor shall have the right for the purpose of this act to enter any such place of employment and to examine the same.

SEC. 5. *Rules, etc.*—It shall be the duty of the commissioner of labor to make and adopt such reasonable orders, rules, and regulations of general application as may be necessary to give effect to section two of this act with respect to the use of mechanical contrivances for disengaging power, the safeguarding of saws, planers, jointers, and other similar machines, the protection of cogs, gearing, couplings, and the like, and the use of set screws, keys, bolts, and the like used in connection with revolving shafting.

Whenever the commissioner of labor, after any such place of employment shall have been inspected in accordance with section four of this act, shall be of the opinion that the special conditions in that place of employment render any general order, rule, or regulation so made by him inadequate or unreasonable as applied to such place of employment or any part thereof, he may, by special order applicable to that place of employment, so modify or extend the requirements of such general order, rule, or regulation as to make the same adequate and reasonable with respect to such special conditions; and whenever, after such inspection, the commissioner of labor shall be of the opinion that compliance with section two of this act, under the special conditions obtaining in any place of employment, necessitates the use of any safeguard or the doing of any other act for which the general orders, rules, or regulations adopted by him do not provide, he shall have power by special order to require the adoption in that place of employment of such particular safeguards, safety devices, appliances, lighting facilities, or other means as may be reasonable and practicable for the safety and health of the employees. The commissioner of labor shall have like power and it shall be his duty by general or special orders, rules, or regulations to require compliance with section two with respect to toilet facilities and sanitary and hygienic conditions in any such place of employment.

Sec. 6. *Time for compliance.*—Every order, rule, or regulation made or adopted by the commissioner of labor shall fix the time when it shall take effect, and in every case a reasonable time shall be allowed to the employer or employers affected thereby for compliance therewith. Notice shall be given of every order, rule, or regulation to those who are required to comply with the same, and such notice may be given by registered mail. Notice of any such order, rule, or regulation of general application may be given by publication in some newspaper having circulation throughout the State.

Sec. 7. *Review.*—Any person or corporation affected by such order, rule, or regulation may petition the commissioner of labor for a review of the validity or reasonableness thereof. The commissioner of labor may join in one proceeding all petitions alleging invalidity or unreasonableness of the same or substantially similar orders, rules, or regulations. The petition for review shall be filed within thirty days after notice of the adoption of the order, rule, or regulation: *Provided, however*, That the commissioner of labor may, whenever in his opinion justice may require it, extend the time for filing such petition.

Upon receipt of the petition the commissioner of labor shall, if necessary to determine the issue raised, order a hearing. Notice of the time and place of hearing, which shall be open to the public, shall be given to the petitioner and to such other persons as the commissioner of labor may find directly interested in the issues raised by the petition.

If upon such hearing the commissioner of labor finds that the order, rule, or regulation complained of is invalid or unreasonable, he shall revoke it or substitute therefor a new or amended order, rule, or regulation.

The decision of the commissioner of labor upon such petition shall be final unless appeal is taken to the superior court in the manner herein provided.

Sec. 8. *Appeal to court.*—Any person or corporation aggrieved by any order, rule, or regulation of the commissioner of labor may file a petition in the superior court against the commissioner of labor to determine the validity and reasonableness of such order, rule, or regulation. Such petition shall be filed within thirty days after notice of the adoption of the order, rule, or regulation, or if a petition for review is filed, within thirty days from the decision upon such petition. Such notice shall be given to the commissioner of labor of the pendency of such proceedings as the superior court may order.

Such petition, so far as practicable, shall have precedence over other actions in the same court, and the order of the commissioner of labor appealed from shall be prima facie valid and reasonable. The proceedings upon such petition shall be as nearly as may be in accordance with proceedings in equity. The court may, and on the request of the parties shall, refer any issue or issues arising in such action to one or more persons who shall find and report the facts together with his or their recommendations to the court. One or more of such persons may be a layman conversant with the subject matter involved in such appeal. The superior court shall upon such petition enter such order or decree as justice may require.

Sec. 9. *Order suspended.*—During the pendency of any petition for review the order, rule, or regulation under review shall be suspended, and during the

pendency of an appeal to the superior court under section eight the order, rule, or regulation appealed from may be suspended by the superior court if justice requires; but except as affected by proceedings upon review by the commissioner of labor or appeal to the superior court, every order, rule, or regulation made and adopted under the provisions of this chapter shall have the effect of law.

SEC. 10. *Powers of commissioner.*—The commissioner of labor, for the purpose of carrying into effect the provisions of this act, shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses and the production of papers, books, accounts, documents, and testimony. In case of the failure of any person to comply with any order of the commissioner of labor given under this section, or any subpœna lawfully issued, or on the refusal of any witness to testify to any matter about which he may lawfully be interrogated, it shall be the duty of the superior court or any judge thereof on application of the commissioner of labor to compel obedience by proceedings as for contempt. A complete record shall be kept of all orders, rules, or regulations made and adopted by the commissioner of labor.

SEC. 11. *Witness fees.*—Each witness who shall appear before the commissioner of labor shall receive for his attendance the fees and mileage provided for witnesses in attendance upon the superior court. The deposition of any witness within or without the State taken in the manner prescribed by law for depositions in civil actions may be used in any proceeding for review or appeal.

SEC. 12 (as amended 1921, ch. 130). *Inspectors.*—For the purpose of inspecting factories, workshops, commercial and such mercantile establishments as the commissioner of labor shall so designate, the commissioner of labor shall, with the approval of the governor and council, employ three competent persons who shall be known as factory inspectors, one of whom shall be a woman; and their compensation shall be fixed by the commissioner of labor subject to the approval of the governor and council. The commissioner of labor shall also have the power, subject to the approval of the governor and council, to employ such other assistants as may be necessary to the proper discharge of his duties. It shall be the duty of the commissioner of labor to administer and enforce, so far as not otherwise provided for in the statutes, all laws relating to factories, workshops, commercial and mercantile establishments, and all valid orders, rules or regulations, and he shall receive as compensation for his services rendered under the provisions of this act such sum as shall be required to make the total of his annual compensation under this and all other acts the sum of twenty-seven hundred and fifty dollars.

SEC. 13. *Prosecutions.*—No prosecution against any employer shall be commenced under this act unless or until the commissioner of labor shall have first made an order in accordance with the provisions of this act and the employer affected thereby shall have had a reasonable opportunity to comply therewith.

Any employer who shall omit or neglect to obey, observe, or comply with any lawful order, rule, or regulation made in pursuance of this act shall be punished by a fine of not less than $25 nor more than $200. If any person shall willfully violate the provisions of section three of this act, he shall be punished by a fine of not less than $10 nor more than $100.

SEC. 14. *Employers' statements.*—Every employer subject to the provisions of this act shall within thirty days after the same shall take effect send by mail to the commissioner of labor a statement setting forth his name, address, business, and approximate number of employees of such employer, and every such employer thereafter starting in business shall immediately send to the commissioner of labor a like statement. Any such employer willfully neglecting to comply with the provisions of this section shall be punished by a fine of not less than $10 nor more than $25.

CHAPTER 198.—*Free public employment office*

SECTION 1. *Office to be established.*—There shall be established and maintained, under the care and direction of the commissioner of labor, a free employment office for the purpose of bringing together those who seek employment and those who desire to employ.

SEC. 2. *Administration.*—This work shall be done in the office and in connection with the bureau of labor, and the commissioner of labor shall appoint such clerks or assistants as he may deem necessary for the proper conduct thereof, and shall fix their compensation, subject to the approval of the governor and council.

SEC. 3. *Duties, etc.*—It shall be the duty of the commissioner of labor to receive without charge and keep on file, by means of suitable books or other record, a correct list of all applications for employment made by any person who shall file an application for work. It shall also be the duty of said commissioner of labor to keep on file, in the same manner, a correct list of all applications filed by any person, partnership or corporation, seeking to hire help for any legitimate purpose, and it shall be the duty of said commissioner of labor and his assistants to aid persons so applying for employment and to assist employers so applying to obtain help.

SEC. 4. *Scope of act.*—This act shall apply to female as well as male applicants, and to any and all kinds and descriptions of legitimate employment or service.

SEC. 5. *No fees to be charged.*—No fees, direct or indirect, shall in any case be taken from those seeking the benefits of said employment office.

SEC. 6. *Citizens preferred.*—In registering applications for employment and for employees wanted, preference shall be given to residents of the State.

SEC. 7. *Duty of city and town clerks.*—It shall be the duty of city clerks of cities and town clerks of towns to cooperate with said employment office as requested by the commissioner of labor in the matter of receiving and forwarding applications from those desiring employees and those desiring employment. Such city or town clerks may in the discretion of the commissioner of labor be furnished with application blanks for this purpose. Such city or town clerks shall receive no compensation from the State for such service but they may by proper order or direction from the authorities of their towns or cities receive compensation therefor, or the same may be regarded as a part of their duties as such town or city clerks according to the direction of each town or city.

SEC. 8. *Reports.*—The commissioner of labor shall cause reports showing the business of the office to be prepared at regular intervals, and shall supply them to the newspapers and to citizens upon request.

ACTS OF 1921

CHAPTER 85.—*Employment of children—General provisions*

[This act is a school code, but embodies the regulations for the employment of children in industry.]

PART I

SECTION 8. *Enforcement.*—[The State board of education, through the commissioner, shall enforce the laws as to school attendance and the employment of minors.]

PART II

SECTIONS 17, 18. *Truant officers.*—[Truant officers, appointed by district school boards, shall, when directed by the board, have authority to take without warrant children found employed contrary to the school attendance and child labor laws.]

PART III

SECTIONS 6, 7. *Illiterates.*—[Children 16 to 21 years of age unable to read and speak English understandingly must attend an evening or special day school until the minimum course prescribed by the State board of education is completed. This does not apply if there is no such school in the district, if the child is excused by the commissioner of education, nor to persons over 16 employed in cutting, harvesting or driving pulp wood or timber or to those temporarily employed in construction or agricultural work.]

SEC. 16. *Age limit.*—[Employment under 14 is forbidden in any mill, factory, workshop, quarry, mercantile establishments, business office, telegraph or telephone office, hotel, restaurant, bakery, apartment house, tenement house factory, as bootblack, or in messenger or delivery service.]

SEC. 17. *Employment during school time.*—[Employment in the above occupations is forbidden to illiterates under 16 during the time in which the public schools are in session, unless a permit based on mental incapacity is obtained.]

SEC. 18. *Inspections.*—[On request of the commissioner of education, the State board of health must inspect places of employment of children, and may require the discharge of those physically unfit, or where health is endangered by reason of unsanitary conditions.]

SEC. 19. *Street trades.*—[Boys under 10 and girls under 16 may not engage in street trades.]

SEC. 20. *Messengers, etc.*—[No person under 18 may be employed in messenger or delivery service between 10 p. m. and 5 a. m.]

SEC. 21. *Hours.*—[Boys under 16 and girls under 18 may not be employed in gainful occupations, other than farm or domestic service, more than 54 hours per week or 10¼ per day, or between 7 p. m. and 6.30 a. m., except in retail stores and telephone offices, where they may work to 10 p. m. Boys over 14 may deliver newspapers after 5 a. m., and those over 12 from 4 to 8 p. m.]

SECS. 22–30. *Certificates.*—[Children under 16 must have certificates before employment in any place named in this act, issued by the school authorities, on a showing of age, school attendance, and a medical certificate of health and physical development. The applicant must appear personally. Certificates are kept on file by the employer, and surrendered to an inspector on termination of the employment. A record of certificates issued must be kept.]

SECS. 31–34. *Enforcement.*—[District truant officers and inspectors appointed by the State board of education may inspect all factories and places where children are employed, and require evidence of the age of children employed therein, and require discharge of any children employed apparently under 16 without satisfactory evidence of age.]

SECS. 35–39. *Violations.*—[Employers and parents or guardians violating the law are punishable by fine of $5 to $200, or imprisonment 10 to 30 days, or both. Continuing violations are penalized by fines of $5 to $20 for each day. School authorities may also be fined $5 to $25 for failure to comply with the law as to issue of certificates.]

SEC. 40. *Illiterates.*—[Employers of illiterates 16 to 21 years of age must keep a file of certificates, showing their school enrollment or their excuse from attendance.]

SECS. 41, 42. *Certificates.*—[Certificates are a protection to the employer from the date of issue to the end of the current school year, unless revoked. They may be revoked for cause, and reports of certificates must be made to the commissioner of education.]

SECS. 43, 44. *Prosecutions.*—[School boards must under penalty, prosecute offenses under this act, proceedings to be begun within one year.]

NEW JERSEY

COMPILED STATUTES—1910

Arbitration of labor disputes

(Page 107)

SECTION 8. *Notice by employees.*—If a majority of the employees in any manufacturing establishment, or in any particular department thereof, shall give notice to their employer or employers, in writing, signed by themselves, that they are dissatisfied with the terms or conditions on which they are employed, or with the wages they are receiving, or with any proposed reduction of their wages or proposed alteration of the terms or conditions on which they are employed, and that they propose to submit the matters complained of to arbitration, and shall name an arbitrator to represent them; and if such employer or employers can not adjust such differences, it shall be the duty of such employer or employers, if they choose to accept this method of compromise, to nominate and appoint, in writing, an arbitrator to represent him or them, and to give notice to said employees of such appointment.

SEC. 9. *Meetings.*—The two arbitrators, so as aforesaid appointed, shall forthwith meet and proceed to select a third arbitrator; and the said three arbitrators shall without unnecessary delay notify the employees and the employer or employers of the time and place when and where they will meet to hear arguments on the matters in dispute, which meetings shall be held under such conditions, rules, and regulations as the said arbitrators may mutually agree upon: the questions at issue shall be submitted to the arbitrators in writing, and their decision shall be confined to the questions so submitted; either of such arbitrators may administer an oath or affirmation to any person testifying before them, and any person so sworn who shall testify falsely shall be deemed guilty of perjury; either of the parties to such arbitration may be represented before the arbitrators by counsel, if they so desire, and the arguments may be oral or in writing; as the parties themselves may respectively prefer.

SEC. 10. *Findings.*—The finding of the said arbitrators shall be reduced to writing, and a copy thereof served upon each of the parties to the dispute, or upon their respective representatives, and shall be deemed to be binding upon both parties submitting the matters in dispute to arbitration, and shall take effect from the date of the finding, unless some other time is fixed in the finding for the taking effect thereof.

SEC. 11. *Costs.*—The costs of arbitration shall be fixed and paid as the parties may previously or mutually agree, and if not so agreed upon, they shall be fixed and paid as the arbitrators themselves may decide.

Wages as preferred claims—In assignments

(Page 118)

SECTION 10. *Amount.*—[Wages of clerks, mechanics, and laborers earned or due at the time of the employer's assignment are preferred up to $300 each.]

Exemption of wages from attachment

(Page 132)

SECTION 1. *Nonresidents.*—[Wages of a nonresident employee can not be attached in this State on the suit of a nonresident creditor when the law of the State of residence gives an exemption.]

Public service—Discharge of employees

(Page 984)

SECTION 1434. *Removal, etc., restricted.*—No employee of a municipal board of street and water commissioners, constituted under the provisions of the act to which this is a supplement, who shall have been in such employ continuously

for a space of five years, shall be removed, discharged, or reduced in pay or position except for inefficiency, incapacity, conduct unbecoming a public employee, or other just cause, and until he shall have been furnished with a written statement of the reasons for such removal, discharge, or reduction, and shall have been given a reasonable time to make written answer thereto. Nor shall such removal, discharge, or reduction be made until the charge or charges shall have been examined into and found true in fact by the board of street and water commissioners at a hearing, upon reasonable notice to the person charged, at which he may offer the testimony of witnesses or other evidence in his own behalf.

Wages as preferred claims—In insolvency of corporations

(Page 1650)

SECTION 83. *Rank.*—[Laborers and workmen and all persons doing service of any kind have a first lien on the assets of an insolvent corporation for work done in the two months prior to proceedings begun.]

SEC. 84. *Same.*—[Such liens are subordinate to prior recorded chattel mortgages and to chattel mortgages recorded within the two months for money loaned or goods purchased during said period; also to mortgages on the real estate.]

Bribery of employees

(Page 1810)

SECTION 212e (as amended 1922, ch. 145). *Acts forbidden.*—

1. Corrupt influencing of agents, employees or servants:

Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who, without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself, under an agreement, or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant who, being authorized to procure materials, supplies or other articles, either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such material, supplies or other articles, or from a person who renders such service or labor, and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be guilty of a misdemeanor: *Provided, however*, That if a corporation, partnership or other organization is guilty of a violation hereof, the person or persons through whom the corporation, partnership or other organization acts shall also be deemed guilty of a misdemeanor: *Provided, however*, That any person guilty of any offense within the purview of this act who shall first report the facts under oath to the attorney general of New Jersey, and who shall give evidence tending to the conviction of any other person charged with an offense under this act, shall be granted full immunity from prosecution or conviction under this act, with respect to the offense reported.

Employment of children—Certain occupations forbidden

(Page 2816)

SECTION 47. *Acrobatic, etc., employment.*—[Forbids employment of children under 15 in rope or wire walking, or as an acrobat, gymnast, contortionist, or rider, or any dangerous or immoral occupation.]

SEC. 48. *Mendicancy, etc.*—[Forbids the employment of children under 18 in mendicant occupations in the streets, etc. For text of similar law see sec. 2223, Code of Delaware.]

Industrial statistics

(Page 3022)

SECTION 10. *Owners of factories, etc., to report.*—It shall be the duty of every owner, operator, lessee, manager, or superintendent of every factory, mill, workshop, mine, or other establishment or industry in which labor is employed within this State, to make such reports or returns on blanks furnished by the bureau of statistics of labor and industry as the said bureau may require for carrying out the purposes and compiling such statistics as are authorized * * * ; and the said owner, operator, lessee, manager, or superintendent shall make such report or return within the time prescribed therefor, and shall certify to the correctness of the same.

SEC. 11. *Penalty.*—Any owner, operator, lessee, manager, or superintendent of an establishment or industry in which labor is employed within this State who willfully neglects to fill such blank within the time allowed for doing so, or who refuses to fill such blank, shall forfeit for every such delay, [or] refusal, the sum of fifty dollars, to be recovered in a court of competent jurisdiction, by an action in which the State shall be represented by the chief of the bureau of statistics of labor and industry as plaintiff.

Alien labor—Employment on public works

(Page 3023)

SECTION 15. *None but citizens to be employed.*—It shall not be lawful for the State or any county, city, town, township, or borough, or other municipal corporation within this State, or for any board, committee, commission, or officer thereof, or for any officer, board, body, or organization having charge of any public work or any construction, whether the same be a building, excavation, pipe laying, bridge or dock building, sewer or drainage construction, road building, paving, or any other form or kind of public work which shall be undertaken and done at public expense, or for any person or corporation, to employ as a mechanic or laborer upon such public work or construction, or any part thereof, any person who is not at the time of such employment a citizen of the United States; any contractor or officer who shall violate the provisions of this act shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction, with costs, and such penalty when recovered shall be paid into the treasury of the State, county, city, or other municipal corporation within which and under whose authority such officer or contractor claims to act: *Provided,* The provisions of this act shall not apply to any contract now in force.

Employment of children—General provisions

(Page 3023)

SECTION 16 (as amended 1923, ch. 80). *Age.*—[Employment of children under 14 is forbidden in newspaper plants, printeries, factories, mills, workshops, laundries, mines, and quarries. Violators are disorderly persons, and establishments habitually employing children contrary to the law are disorderly houses.]

SECS. 18, 19 (as amended 1923, ch. 80). *Certificates required.*—[Children under 16 must have age and schooling certificates for employment in establishments coming under this act.]

SEC. 20. *Enforcement.*—[The commissioner or any inspector may demand proof of any employed child.]

SEC. 21. *False statements.*—[False statements subject to penalty of $50.]

SEC. 22 (as amended 1923, ch. 80). *Employments forbidden.*—[Specified dangerous employments are forbidden for children under 16, also any occupation involving physical risk harmful to the health or future working efficiency, in the judgment of the commissioner of labor. For similar list see secs. 3145, 3148, Delaware Code.]

SEC. 23 (as amended 1923, ch. 80). *Registers.*—[Registers of children under 16 must be kept open to official inspection.]

SEC. 24 (as amended 1919, ch. 36). *Work time.*—[No minor under 16 may be employed, in the places coming under this act, for more than 8 hours per day or 48 per week; if a continuation school exists, not more than 42 hours per week. No work is allowed between 7 p. m. and 7 a. m., nor on Sunday.]

Factory, etc., regulations

(Page 3026)

SECTION 26. *Hoistways, etc., to be guarded.*—The openings of all hoistways, hatchways, elevators, and wellholes upon every floor of any place coming under the provisions of this act, shall be protected by good and sufficient trapdoors or self-closing hatches and safety catches, or strong guardrails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

SEC. 28 (as amended 1912, ch. 6). *Belt shifters, etc.*—The owner or person in charge of any of the places coming under the provisions of this act, where machinery is used, shall provide, in the discretion of the commissioner, friction clutches for stopping shafting, and belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys; whenever practicable all machinery shall be provided with loose pulleys; all vats, pans, saws, planers, power presses, foot presses, cogs, gearing, belting, shafting, setscrews, drums and machinery of every description shall be properly guarded; no person shall remove or make ineffective any safeguard around or attached to such machinery, vats or pans while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced; if the machinery, or any part thereof, or any vat, pan or vessel containing molten metal or hot liquid is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner, and a notice to that effect shall be attached thereto; such notice shall not be removed until the machinery is made safe and the required safeguards are provided; and in the meantime such unsafe or dangerous machinery, vats, pans, or vessels containing molten metal or liquid shall not be used; when, in the opinion of the commissioner, it is necessary, the halls or other portions of a building shall be provided with proper lighting facilities.

This act does not abolish the defense of assumption of risks. 70 Atl. 327.

SEC. 29. *Blowers for emery wheels, etc.*—All corporations, firms or persons conducting a manufacturing business in any of the places coming under the provisions of this act, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels, or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers or similar apparatus, which shall be placed over, beside, or under wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding in small shops employing not more than three persons at such work, shall be exempt from the provisions of this section if so ordered by the commissioner.

SEC. 30. *Construction.*—It shall be the duty of any person, firm or corporation conducting such manufacturing business, to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth above, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by a current of air into a suction pipe attached to some hood or hopper.

SEC. 31. *Same subject.*—Each and every such wheel six inches or less in diameter shall be provided with a round suction pipe three inches in diameter; wheels six inches to twenty-four inches in diameter, with round suction pipe five inches in diameter; and all wheels larger in diameter than those stated above shall be provided each with a round suction pipe not less than six inches in diameter; the suction pipe from each wheel so specified must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall in its diameter and capacity be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from

the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

Sec. 32. *Air pressure, etc.*—It shall be the duty of any person, firm or corporation, operating any such place to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at the rate of speed such as will produce a pressure of air in such suction or discharge pipes sufficient to raise a column of water not less than five inches in a U-shaped tube; all branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and shall be either upon or beneath the floor on which the machines are placed to which such wheels are attached; all bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Sec. 33. *Enforcement.*—It shall be the duty of the commissioner to make orders in writing for the carrying into effect the provisions of sections fourteen, fifteen, sixteen and seventeen [secs. 29 to 32].

Sec. 34. *Air space.*—Not less than two hundred and fifty cubic feet of air space shall be provided for each employee or operative at work in a room in a place within the meaning of this act between the hours of six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space for each employee so employed between the hours of six o'clock in the evening and six o'clock in the morning: *Provided*, In all cases where the amount of air space provided does not exceed the amount above fixed, that such room is lighted by electricity during all hours that artificial lights are necessary and persons are employed therein, unless a written permit shall be obtained from the commissioner.

Sec. 35 (as amended 1912, ch. 5). *Ventilation required.*—The owner, agent or lessee of a place coming under the provisions of this act shall provide, in each workroom thereof, proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, or dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein, the room shall be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure, the commissioner of labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall be liable to a penalty of ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor as hereinafter provided. If, in a place coming under the provisions of this act, glazing or polishing on a wheel or any process is carried on by which dust or any gas, vapors or other impurity is generated in such manner as to be inhaled by the employees to an injurious extent, and it appears to the commissioner of labor that such inhalation could be to a great extent prevented by a fan or other mechanical means, the commissioner of labor may order the owner, agent or lessee of such place to provide a fan or other mechanical means of a proper construction for preventing such inhalation within twenty days after the service upon him of such order in writing, and such owner, agent or lessee shall provide such fan or other mechanical means as stated in said order within the time therein stated, and in case of failure so to do, he shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

Sec. 36. *Minors cleaning machinery.*—No minor under sixteen years of age shall be required, allowed or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

Sec. 37. *Explosives.*—Every corporation, firm or person having or keeping in his place or its place or manufactory coming under the provisions of this act, any explosive or inflammable compound, shall keep or store such explosive or inflammable compound in such factory, mill, workshop or place in such way as not to obstruct or render hazardous the egress of employees or operatives in case of fire.

Sec. 38. *Water-closets.*—Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and con-

venient wash room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing room shall be provided for them when ordered by the commissioner.

SEC. 39. *Limewashing.*—Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

SEC. 40. *Law to be posted.*—An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every manufacturer to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view in such place that it can be easily read by the employees or operatives in coming in or going out from said factory, workshop or mill.

SEC. 41. *Hindering commissioner.*—No person shall interfere with, delay, obstruct or hinder by force or otherwise, the commissioner, the assistant commissioner or inspectors, while in the performance of their duties, or refuse to answer in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

SEC. 42. *Forfeitures to be reciprocal.*—Any person, firm or corporation engaged in manufacturing which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges without similar notice a person in such employ, unless in case of a general suspension of labor in his or its factory, mill or place where the manufacture of goods of any kind is carried on.

SEC. 43. *Accidents.*—All accidents that prevent the injured person or persons from returning to work within two weeks, or which result in death, shall be reported in writing to the department, at Trenton, New Jersey, within twenty-four hours after the expiration of four weeks or after the death of such person injured, as the same may be; such notice may be sent by mail, postage prepaid.

SEC. 44. *Name of firm to be furnished.*—Every corporation, firm or person shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or place where the manufacture of goods of any kind is carried on, notify in writing the department, at Trenton, New Jersey, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of a summons can be made, and in case of a firm, the individual names of the members of the firm or the legal title of the concern so occupying such factory or workshop.

SEC. 45. *Powers of commissioner.*—For the purpose of carrying into effect the provisions of sections * * * [26 to 32, 34, 36 to 39 and 41 to 43] the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employees and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of [the above-mentioned] sections * * * shall, for each offense, be liable to a penalty of fifty dollars.

SEC. 46 (as amended 1917, ch. 176). *Manufactures in tenements.*—No room or rooms, apartment or apartments, in any tenement or dwelling house, or in a building situated immediately in the rear of any apartment, tenement or dwelling house shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any articles whatsoever unless a license is secured therefor, as provided in this act.

Application for such a license shall be made to the commissioner of labor by any family or a member thereof, or any person, firm, or corporation desiring to manufacture, alter, repair, or finish any such articles in any room or apartment in any tenement or dwelling house, or by any person, firm, or corporation desiring to perform such work in any building in the rear of any tenement or dwelling house. Each license shall run continuously for a period of six months, whereupon a new or further license must be obtained. Each application for such a license shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor. Before any such license is granted an inspection

of the room, apartment, or building sought to be licensed shall be made by the commissioner of labor, factory inspector, or, in the discretion of the commissioner of labor, by any local board of health or its inspector or inspectors. If the commissioner of labor or such inspectors as herein provided for ascertain that such room, apartment, or building is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such room, apartment, or building for the purpose of manufacturing, altering, repairing, or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates. The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, unless by special written permit of the commissioner of labor, and not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no such permit shall be issued unless such room or apartment has suitable light at all times during such hours as such persons are employed therein.

Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the commissioner of labor if the health of the community or of the employees requires it, of [or] if it appears that the rooms or apartments to which such license relates are not in a healthy and proper sanitary condition. Every room or apartment in which any of the articles named in this section are manufactured, altered, repaired, or finished shall be kept in a clean and sanitary condition and shall be subject to examination and inspection by the commissioner of labor, factory inspectors, or local boards of health for the purpose of ascertaining whether said garments or articles, or any part or parts thereof, are clean and free from vermin and every matter of infectious or contagious nature.

If the commissioner of labor, factory inspector, or local board of health shall find evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein if [sic] the commissioner of labor, factory inspector, or local board of health shall issue such orders as the public health may require, and shall condemn and destroy such infectious and contagious articles.

Sec. 46a (added 1917, ch. 176). *What contracts forbidden.*—No person, firm or corporation shall hire, employ or contract with any member of a family, or any person, firm or corporation not holding a license therefor, to manufacture, alter, repair or finish any articles whatsoever in any room or apartment in any tenement or dwelling or any room or apartment in any building situated in the rear of a tenement or dwelling-house as aforesaid, and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale any articles whatsoever unless made under the sanitary conditions and in accordance with this act. This act shall not prevent, however, the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any articles of wearing apparel for such person or for family use, and shall not prevent such employment by women's exchanges or philanthropic associations not organized for pecuniary profit.

Sec. 47 (as amended 1917, ch. 176). *Violations.*—Any person, firm or corporation being the owner, lessee or occupant of the place, or places to which the preceding sections or any part thereof relate, shall, for the violation of any of the provisions therein, be liable to a penalty of $50 for the first offense and $100 for each succeeding offense.

Sec. 48. *Exemption.*—This act shall not apply to a private house or a private room used for manufacturing purposes by the family dwelling therein.

Sec. 73. *Seats for female employees.*—Every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishment in this State shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Sec. 74. *Violations.*—[Violations of the above section are subject to a penalty of $50; but ten days' notice in writing must be given, and if noncompliance continues, the penalty may be recovered in an action for debt by any person choosing to take action.]

Employment of labor—Notice of discharge

(Page 3039)

SECTION 79. *Notice of discharge to be given, when.*—Whenever any operative in any mill, factory, or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory, or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such work or service without notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express contract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal from such judgment, and shall not be successful on such appeal, then such operative shall be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court: *Provided, however*, That such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge.

Seats for female employees—Mercantile establishments

(Page 3041)

SECTION 85. *Seats to be provided.*—Every individual, firm, or corporation or the managing agent of such individual, firm, or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of a suitable kind, conveniently situated at or near the counter, workbench, or other places where her or their work is ordinarily performed for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that can not properly be performed in a sitting position.

SEC. 86. *Enforcement.*—It shall be the duty of the commissioner of labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for the purpose of seeing that the seats as provided for in this act are fully maintained and that female employees are permitted to use them freely and without hindrance according to the spirit of this act.

SEC. 87. *Violations.*—[Failure to comply within 10 days after service of notice entails penalty of $25 for each offense.]

Liability of employers for injuries to employees

(Page 3042)

SECTION 89. *Cause of action.*—Where, * * * personal injury or death results to an employee who is himself in the exercise of reasonable care at the time:

1. By reason of any defect in the condition of the place, ways, works, machinery, or plant connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer, and

intrusted by him with the duty of seeing that the place, ways, works, machinery, or plant were in proper condition; or

II. By reason of negligence of any person in the service of the employer intrusted with, and at the time of the injury exercising superintendence, whose sole or principal duty is that of superintendence, or in the absence of such superintendent of any person acting as superintendent, with the authority or consent of such employer; or

III. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad; said employee, or in case the injury results in death, the executor or administrator of such deceased employee who has left surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of, nor in the service of the employer, nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of such deceased employee suing under the provisions of this act.

SEC. 90. *Notice.*—No action against an employer for recovery of compensation for injury or death of an employee under this act shall be maintained unless notice of the time, place, and cause of injury is given to the employer within one hundred and twenty (120) days, and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured, or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in said section, he may give the same within ten (10) days after such incapacity is removed. In case of his death without having given such notice his executor or administrator may give such notice within sixty (60) days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury if it be shown that there was no intention to mislead, and that the party entitled to notice was not, in fact, misled thereby. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to, or at the residence or place of business of the person on whom it is to be served. The notice may be served by post by registered letter, addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation notice shall be served by delivering the same or by sending it by post by registered letter, addressed to the office or principal place of business of such corporation.

SEC. 91. *Assumption of risks.*—An employee by entering upon, or continuing in the service of an employer, shall be presumed to have assumed all risks necessarily incident to his occupation or employment. The necessary risks of the occupation or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, which are inherent in the nature of the business, and which remain after the employer has exercised due care in providing for the safety of his employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action maintained for the recovery of damages for personal injuries to an employee, received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employee to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employee understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of employment with knowledge of the risk of injury, shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employee, or his legal repre-

sentative, shall not be entitled under this act to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury, and failed, within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had intrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer or superior person, or could have been discovered by reasonable and proper care or inspection by such employer or superior person prior to such injury to the employee.

SEC. 92. *Contributions by employer as offset.*—An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this act, or to any relief society or benefit fund, may prove in mitigation of damages recoverable by an employee under this act such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SEC. 93. *Construction of statute.*—Every existing right of action for negligence or to recover damages for injuries resulting in death is continued, and nothing in this act contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two (2) [sec. 90] of this act be a bar to the maintenance of a suit upon any such existing right of action.

Wages as preferred claims—In executions, etc.

(Page 3044)

SECTION 94. *Wages to be paid.*—[In case of execution, etc., affecting goods or chattels of an employer, the same shall not be removed until the wages of operatives and employees, not exceeding two months, have been paid by or at the instance of the suitor.]

SEC. 95. *Sale of goods.*—[The sheriff or other officer may not remove goods by virtue of any execution or attachment without first paying wages, as above.]

SEC. 96. *Receiverships.*—[If the goods of any manufacturer are put in the hands of a receiver in the course of a legal action on petition of employee's claim for wages for labor thereon, so much of such goods as may be necessary to meet such verified claims must be sold without delay in preference to the claims of any other creditor.]

Payment of wages—Company stores

(Page 3044)

SECTION 101 (as amended 1919, ch. 182). *Orders, etc., to be redeemable.*—It shall not be lawful for any person or corporation in this State to issue, for payment of labor, any order or other paper whatsoever, unless the same is negotiable and purport to be redeemable for its face value at sight in lawful money of the United States, by the person giving or issuing the same: *And provided, however*, Nothing in this act contained shall prevent any private individual from giving any orders for goods and merchandise on any store in which such private individual has no interest, directly or indirectly, in the profits or business.

SEC. 105. *Attempting to control trade.*—It shall not be lawful for any manufacturer, firm, company or corporation, their agents, clerks or superintendents, in this State, who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's, firm's, company's or corporation store.

SEC. 106. *Violations.*—[Penalty for violations is a fine not exceeding $100, with costs of suit, for each offense.]

SEC. 109. *Contracts for retention of wages.*—It shall not be lawful for any corporation doing business in this State to require workmen, laborers or other

employees, in their contract of employment, or prior or subsequent thereto, to sign a written consent for said corporation to retain or keep back any part of their wages when due, under pretense of investing the same or establishing a fund for the relief or assistance of such workmen, laborers or other employees when sick or otherwise disabled.

SEC. 110. *Retention of wages without consent.*—It shall not be lawful for any corporation of this State, or any corporation doing business in this State, to retain or keep back any part of the wages due their workmen, laborers or other employees, without the free and voluntary consent of such workmen, laborers or employees, under pretense of assisting, relieving or maintaining said employees when sick or otherwise disabled.

SEC. 111. *Diversions are against public policy.*—All such diversions of the wages of the employees without the free and voluntary consent of such workmen, laborers or employees of corporations aforesaid when due from the use, possession or control of said employees, to the control or possession of said corporation for the pretended use or benefit of said employees, shall be adjudged by the courts of this State to be against public policy.

SEC. 112. *Violations.*—[Violations of sections 109, 110, incur fine not to exceed $200, or imprisonment not exceeding 6 months, or both.]

SEC. 113. *Discounting claims for wages.*—It shall not be lawful for any person or persons to purchase or have assigned to him or them any pay or wages due, or to become due, to any laborer or employee of any corporation or individual or individuals doing business in this State, for any work or labor to be rendered by such laborer or employee of any such corporation or individual or individuals, upon which such person or persons so purchasing or having assigned to him or them shall directly or indirectly have received, or contracted to receive, from such laborer or employee, more than the legal rate of interest established by the laws of this State upon the amount of such pay or wages due, or to become due, so purchased or assigned.

SEC. 114. *Penalty.*—Any person or persons violating the first section [sec. 113] of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, at the discretion of the court: *Provided, however*, That this act shall not apply to any assignment of such pay or wages, made for the payment of any goods, wares or merchandise sold to such employee for the full value, or for any professional service rendered to such laborer or employee mentioned in such assignment.

SEC. 123. *Biweekly pay day.*—Every person, firm, association or partnership doing business in this State, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (revision of one thousand eight hundred and ninety-six), in this State, shall pay at least every two weeks, in lawful money of the United States, to each and every employee engaged in his, their or its business, or to the duly authorized representative of such employee, the full amount of wages earned and unpaid in lawful money to such employee, up to within twelve days of such payment: *Provided, however*, That if at any time of payment, any employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand; any employer or employers as aforesaid who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars for each and every offense, at the discretion of the court: *Provided*, Complaint of such violation be made within sixty days from the day such wages become payable according to the tenor of this act; the provisions of this section shall not apply to any employee or employees engaged in agricultural work or as watermen.

SEC. 124. *Contracts in violation of act.*—It shall not be lawful for any such person, firm, association, partnership or corporation, as aforesaid, to enter into or make any agreement with any employee for the payment of the wages of any such employee otherwise than is provided in section one [section 123] of this act, except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section one hereof may be enforced notwithstanding such agreement; and each and every employee with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation or the agent or agents thereof, shall

have his or her action and rights of action against any such person, firm, association, partnership or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this State.

SEC. 125. *Enforcement.*—The department of labor of this State shall be and hereby is authorized and directed to enforce the provisions of this act [secs. 123–125] and the commissioner of labor shall make complaint against any employer or employers who neglect to comply with the provisions of this act for a period of two weeks after having been notified in writing by said commissioner of labor of the violation of this act; and it is hereby made the duty of county prosecutors of the pleas of the various counties in this State, to appear in behalf of the department of labor in all proceedings brought herein by the commissioner of labor.

SEC. 126. *To whom wages of deceased employees may be paid.*—It shall be lawful for any employer in this State at any time not less than thirty days after the death of the employee, to pay all wages due to such deceased employee to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters of administration to be issued upon the estate of said deceased employee, where such wages do not exceed seventy-five dollars in amount: *Provided, however*, That if such deceased employee shall not leave a wife, child or children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employee, first, to the undertaker for his services such sum as shall be due him, and second, the residue, if any, to physician, boarding-house keeper and nurse, pro rata, upon a bill furnished duly verified by affidavit.

SEC. 127. *Release.*—The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Protection of employees as members of labor organizations

(Page 3054)

SECTION 128. *Combinations of workingmen.*—It shall not be unlawful for any two or more persons to unite, combine or bind themselves by oath, covenant, agreement, alliance or otherwise, to persuade, advise or encourage, by peaceable means, any person or persons to enter into any combination for or against leaving or entering into the employment of any person, persons or corporation.

Since this act, it is not unlawful for the members of an association to combine for the purpose of securing control of the work connected with their trade, and to endeavor to effect such purposes by peaceable means. 47 Eq. 519.

The purpose of this act was to legalize strikes. It would seem also to intend a legalization of a combination to induce others to join in a strike, but the methods must be persuasive and not coercive. 46 Atl. 208.

The statute affects the status of the acts described only as declaring them not to be criminal, but does not take away the right of any individual injured by them to bring suit to recover damages. 52 Atl. 152.

Labor organizations—Municipal advertising in union organs

(Page 3766)

SECTION 23. *Labor newspapers to be patronized.*—In all cities containing a population of fifty thousand or more inhabitants, as shown by the last preceding census, all advertising required by law, pertaining to affairs connected with the city government, shall be made in a newspaper specially devoted to the interests of organized labor, if one be published in said city, in addition to the official newspaper now authorized to be designated by law: *Provided*, Said paper has been published at least once a week for a period of three years prior to the passage of this act [sec. 23], and that the fees for publication shall not exceed the fees now allowed by law.

Strikes of railroad employees

(Page 4247)

SECTION 62. *Leaving duty.*—If any railroad employee on any railroad within this State engage in any strike or with a view to incite others to such strike, or in furtherance of any combination or preconcert with any other person to

bring about a strike, shall abandon the engine in his charge when attached to a train at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with such train to the place of destination aforesaid; or if any railroad employee within this State, for the purpose of furthering the object of or lending aid to any strike organized or attempted to be maintained on any other railroad, either within or without the State, shall refuse or neglect in the course of his employment to aid in the movement over and upon the tracks of the company employing him of the cars of such other railroad company received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars, and may also be imprisoned for a term not exceeding six months, at the discretion of the court.

Sec. 63. *Interference by strikers.*—If any person in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest, or obstruct any locomotive engineer or other railroad employee engaged in the discharge or performance of his duty as such, or shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or other property of any railroad company, or shall take possession of or remove any such property, or shall prevent or attempt to prevent the use thereof by such company or its employees, or shall by offer of recompense induce any employee of any railroad company within this State to leave the service of such company while in transit, every such person offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars, and may also be imprisoned not more than one year, at the discretion of the court.

Wages as preferred claims—In receiverships of railroads

(Page 4256)

Section 86. *Amount.*—[In case of the receivership of a railroad, unencumbered personal effects not required in the operation of the road and all moneys put in the receiver's hands at the time of his appointment may be applied to the payment of wages due, not exceeding wages for two months.]

Street railways—Hours of labor—Vestibules

(Page 5008)

Section 57. *Twelve hours a day's work.*—Twelve hours' labor, to be performed within twelve consecutive hours, with reasonable time for meals, not less than half an hour for each, shall constitute a day's labor in the operation of all cable, traction, and horse-car street surface railroads, and of all cable, traction, and steam elevated railroads, owned or operated by corporations incorporated under the laws of this State, for the employees of such corporations in operating such railroads.

Sec. 58. *Penalty.*—It shall be a misdemeanor for any officer or agent of any such corporation to exact from any of such employees more than twelve hours' labor within the twenty-four hours of the natural day, and within twelve consecutive hours therein as in the first section [sec. 57] provided: *Provided, however*, That in case of accident or unexpected contingency demanding more than the usual service by such corporation to the public, or from such employees to the corporation, extra labor may be permitted and exacted for extra compensation.

Sec. 59. *Act construed.*—It is the true intent and purpose of this act to limit the usual hours of labor of the employees of railroad corporations as aforesaid to twelve hours' actual work a day, to be performed within a period of twelve consecutive hours as aforesaid, whether such employees be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner.

Sec. 152. *Platforms.*—[The platforms of electric motor cars must be inclosed from November 1 to April 1.]

Sec. 153. *Violations.*—[Each day's noncompliance involves a penalty of $25 for each car.]

ACTS OF 1911

CHAPTER 88.—*Payment of wages—Semimonthly pay day—Employees of counties*

SECTION 1. *Scope of law.*—All county employees in counties of the first class of this State shall be paid semimonthly.

CHAPTER 94.—*Labor organizations—Bribery of representatives—Foremen accepting fees from employees*

SECTION 1. *Bribery forbidden.*—Any person who gives or offers to give any money or other thing or things of value to any duly appointed representative of a labor organization, with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, or any such representative who accepts or agrees to accept any money or other thing or things of value for such purpose or purposes, shall be guilty of a misdemeanor.

SEC. 2. *Accepting fees for employment.*—Any person employed by any individual or corporation in this State as foreman, or in a similar capacity, having other workmen or employees under his control or authority, who shall accept from any such workman or employee any sum of money or any thing or things of value for the purpose of influencing such foreman or person in authority to retain such workman or employee in his position; or for the purpose of procuring employment in the business of such individual or corporation, or to avoid being discharged from such employment; or any person who shall agree or offer to accept a sum of money or any thing or things of value for the purposes mentioned in this section, or any person who shall give or offer to give to any such foreman or person in control or authority, any money or any thing or things of value for the purposes mentioned in this section, shall be guilty of a misdemeanor.

SEC. 3. *Witnesses to testify.*—On the trial of any indictment against any person or persons for violation of any of the provisions of this act, all witnesses sworn on any such trial shall truly answer all questions put to them which the court shall decide to be proper and pertinent to the issue involved; and no witnesses shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or might or would tend to incriminate him but no answer or answers made by any witness to any such question shall be used or admitted in evidence in any proceeding against said witness, except in case of a criminal proceeding for perjury in respect to his answers to such questions.

CHAPTER 136.—*Employment of children in mercantile establishments*

SECTION 1 (as amended 1918, ch. 204). *Age.*—[Employment of children in mercantile establishments (see sec. 15 for definition) under the age of 14 is forbidden. Habitual violation makes the establishment a disorderly house, incurring penalties up to $1,000 fine or 3 years' imprisonment, or both.]

SEC. 2 (as amended 1919, ch. 37). *Certificates; work time.*—[Children under 16 must have age and schooling certificates, may not be employed more than 8 hours per day or 48 per week, nor between 7 p. m. and 7 a. m., nor on Sunday; 42 hours is the weekly maximum during the term of any continuation school in the district.]

SEC. 3 (as amended 1914, ch. 253). *Enforcement.*—[The commissioner of labor, inspectors, and attendance officers may inspect all mercantile establishments to enforce this act.]

SEC. 4 (as amended 1918, ch. 204). *Register.*—[A register of children 14 to 16 years of age employed in the establishment must be kept, and a file of their certificates.]

SEC. 5 (as amended 1918, ch. 204). *Dangerous employments.*—[No child under 16 may be employed in work detrimental to health or dangerous to life and limb, or involving excessive effort or exposure to poisonous or dust producing goods or wares, or under conditions that will retard growth or injure sight or hearing.]

SEC. 6 (as amended 1914, ch. 253). *Inspection.*—[Entry for inspection must be permitted in all establishments coming under the provisions of this act. Proof of age of a child may be demanded, which failing he must be discharged.]

SEC. 7. *Hoistways, etc.*—The openings of all hoistways, hatchways, elevators, and wellholes upon every floor of any place coming under the provisions of

this act shall be protected by good and sufficient trapdoors or self-closing hatches and safety catches, or strong guardrails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

SEC. 8. *Ventilation.*—The owner, agent, or lessee of a place coming under the provisions of this act, or employer, shall provide in each mercantile establishment proper and sufficient means of ventilation; in case of failure, the commissioner shall order such ventilation to be provided; such owner, agent, lessee or employer shall provide such ventilation within twenty days after the service upon him of such order in writing, and in case of failure shall be liable to a fine of ten dollars for each day after the expiration of the time given by such order to make the change.

SEC. 9. *Toilets.*—[Suitable, convenient, and separate toilets must be provided for each sex; dressing rooms to be provided when women and girls are employed, on order of the commissioner.]

SEC. 10. *Laws to be posted.*—An abstract of this law shall be prepared and furnished upon request by the commissioner to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm, or person to whom a copy of such abstract is sent or delivered shall post such abstract of this law and keep it posted in plain view, in such place that it can be easily read by the employees or operatives in coming in or going out from said mercantile establishment.

SEC. 11. *Hindering inspectors.*—No person shall interfere with, delay, obstruct, or hinder, by force or otherwise, the commissioner, the assistant commissioner, inspectors, or truant officers while in the performance of their duties, or refuse to answer, in writing or otherwise, questions asked by such officers relating to the matters coming under the provisions of this act; no person shall impersonate an officer of the department or forge his certificate of authority.

SEC. 12. *Enforcement.*—For the purpose of carrying into effect the provisions of sections seven, nine, ten, and eleven of this act the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employees and operatives and the enforcement of this act, in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm, or person violating any of the provisions of sections seven, nine, ten, and eleven, shall, for each offense, be liable to a penalty of fifty dollars.

SEC. 13. *Same.*—All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorder's court of cities, or before any justice of the peace having due jurisdiction. * * * the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution he shall not be discharged under the insolvent laws of the State but shall only be discharged by the court making the order for the body execution, one or more of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

SEC. 15 (as amended 1918, ch. 204). *Mercantile establishments.*—Mercantile establishment, as used in this act, shall be construed to apply to any employment of any person for wages or other compensation other than in a factory, workshop, mill, place where the manufacture of goods of any kind is carried on, mine, quarry or in agricultural pursuits.

CHAPTER 195.—*Accidents on railroads*

SECTION 17. *Notice.*—[The board of public utility commissioners may require every public utility to give notice of accidents occurring on its property or due to its operation, which accidents the board may investigate and issue such orders as it deems reasonable.]

CHAPTER 206.—*Inspection and regulation of factories, etc.—Foundries*

SECTION 1. *Entrances.*—All entrances to foundries shall be constructed and maintained so as to minimize drafts. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstruction shall be allowed in such passageways during the hours of casting. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. Foundries shall be reasonably well lighted throughout the working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein. All pits around furnaces in any such brass factory shall be covered with substantial iron gratings. All stairways around such furnaces shall be constructed of iron. There shall be kept on hand at all times in every foundry a reasonable supply of lime water, sweet oil, vaseline, bandages and absorbent cotton for use by the workmen in case of burns or accident. It is hereby made the duty of each and every State factory inspector to enforce the provisions of this act.

SEC. 2. *Definition.*—Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act.

CHAPTER 214.—*Fire escapes on factories, etc.*

SECTION 1. *Exits.*—Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall hereafter, under the supervision and direction of the commissioner of labor, be provided with ample and proper ways and means of egress or escape in emergency arising from fire or otherwise, sufficient for the use of all persons therein, and as well shall be protected, so far as practicable, against the origin and spread of fire.

SEC. 2. *Two ways of egress.*—Buildings two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress from the second story thereof, placed as far as possible at opposite ends of the room or building. Such egress may be provided by inside stairways or outside fire escapes, or both, and doors communicating therewith, as the said commissioner shall direct. Buildings more than two stories in height used for any purpose as stated in paragraph one at the time this act becomes effective, shall have at least two means of egress communicating with each story thereof, one of which shall be an inside stairway and one an outside fire escape. The said commissioner shall have power to order the construction of a second inside stairway and additional outside fire escapes, doors and windows as in his judgment are necessary to furnish proper and adequate protection to the inmates of such building.

SECS. 3–5. *Location; plans, etc.*—[Fire escapes, doors, windows, etc., must be made to conform to requirements and standards fixed by the act, and shall include as many stories and doors as the commissioner may order. Plans and specifications for new buildings must be approved by the commissioner, in so far as stairways, fire escapes and elevator shafts, doors, windows, ventilation and sanitation are concerned. Inside and outside stairways and escapes, of fireproof or fire resisting material, must be provided, with doors of similar character leading thereto. Fire stops may also be required.]

SECS. 6–14. *Form; construction; enforcement.*—[Details of form and construction are laid down, establishing specified minimum requirements. The commissioner of labor is charged with enforcement.]

SEC. 15. *Number of employees to be considered.*—All installation of fire escapes or stairways shall be made with reference to the maximum number of persons to be employed upon each story of any building or separated subdivision thereof, a statement of which number shall be posted by the owner upon the wall of each story or separated subdivision thereof, so as to be visible at all times. Under no circumstances shall this number, when once ascertained and installation of fire escapes and stairways be made with reference thereto, be exceeded, except by permission of the commissioner.

SEC. 16. *Stairways; doors; waste, etc.*—In all buildings not detached, a stairway running from the top floor to the roof by means of a bulkhead may be ordered by the commissioner.

No partitions which interfere with established means of egress shall be erected unless by approval of the commissioner.

Pails of water and sand shall be provided and located as ordered by the commissioner.

A suitable disposition shall be made of all inflammable articles and suitable waste cans or barrels shall be provided for the proper handling of sweepings, oily waste or other combustible material, as directed by the commissioner.

Such doors and handrails may be required on stairways as may be approved by the commissioner.

No fire escapes shall be constructed without the approval of the commissioner of labor, unless specifically required by municipal authorities.

Doors leading to fire escapes shall be clearly indicated by signs posted or painted on the walls above or at the side of such doors. The approaches to such doors shall be kept free and unobstructed at all times.

A fire tower approved by the commissioner may be substituted for an inside stairway or outside fire escape.

All exit doors throughout the building shall open outward, or be sliding doors, and if kept closed during working hours, shall be fastened only in such manner as to be capable of ready and immediate opening from the inside.

CHAPTER 273.—*Time for meals to be allowed employees in factories*

SECTION 1. *One-half hour to be allowed.*—Every corporation, firm or person owning or operating any place coming under the provisions of the act to which this act is a supplement [secs. 16–60, p. 699 et seq.], shall give all operatives and employees at least one-half hour for their midday meal, after being continuously employed for a period of not more than six hours, on any workday except Saturday.

SEC. 2. *Fixing time.*—The period for such meal shall be fixed by every such employer, having in view the health and physical welfare of such operatives and employees in all such factories, workshops, mills and places where the manufacture of goods of any kind is carried on; if any such place is operated at night, or in eight-hour shifts, such meal period shall be fixed as aforesaid for such operatives and employees at such time as may be consistent with the mutual interests of such employer and operatives and employees.

SEC. 3. *Notice to be posted.*—Notice of the hours within which such operatives may obtain such meals shall be plainly printed and kept posted in a conspicuous place in all workrooms where any such employees or operatives are engaged.

SEC. 4. *Violations.*—Any such owner or employer, violating any of the provisions of this act shall be liable to a penalty of one hundred dollars for the first offense and of two hundred dollars for each subsequent offense.

CHAPTER 363.—*Employment of children—Messenger service*

SECTION 1. *Night work.*—[No person under 21 in cities of the first class, or under 18 elsewhere, may engage in messenger or delivery service between 10 p. m. and 5 a. m. though the commissioner of labor may grant permits for the delivery of telegraphic or telephone messages between those hours.]

SECS. 2–4. *Enforcement.*—[Penalties and enforcement proceedings are provided for.]

CHAPTER 371.—*Payment of wages—Semimonthly pay day—Railroads*

SECTION 1. *Times of payment prescribed.*—Every railroad company authorized to do business by the laws of the State of New Jersey shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however,* That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due; any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of

twenty-five dollars for each violation of this act which shall be proved, to be recovered in any court of competent jurisdiction by any person who shall sue for the same, one-half of said penalty to go to said person so suing therefor, and the other half to go to the State: *Provided, further*, Complaint of such violation be made within sixty days from the date such wages become payable, according to the tenor of this act.

SEC. 2. *Contracts waiving rights.*—It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for the penalty provided for in section one of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State.

ACTS OF 1912

CHAPTER 156.—*Accidents to be reported*

SECTION 1. *Employers to report accidents.*—Upon the happening of any accident in any employment of labor in this State, the result of which shall be to prevent the injured person or persons from resuming work within two weeks after the happening thereof, the employer of such injured person or persons shall report, in writing, to the commissioner of labor the time, place and cause of the said accident, as nearly as the same may be fairly ascertained, the extent of injuries received, and such other facts as the commissioner of labor may, by rule or regulation, require. In case of injury not producing death, such report shall be filed within four weeks after the happening of such injury. In case of injury producing death, report shall be filed within two weeks thereafter. Such reports may be forwarded by mail, postage prepaid.

SEC. 2. *Casualty insurance companies to report.*—All companies engaged in casualty insurance business within the State of New Jersey shall furnish to the commissioner of labor a full and complete report of all accidents to the employees of any person, firm, or corporation injured by them, which prevents such injured person or persons from resuming work within two weeks after the happening of such injury, or which result in death. In case of injury not producing death, such report shall be filed within four weeks after such injuries have been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. In case of injury producing death, such report shall be filed within two weeks after such death has been reported to such insurance company, or such insurance company has otherwise gained knowledge thereof. Such reports shall state the time, place and cause of injury, as nearly as the same may be ascertained, and the extent thereof, and such other and further information as the commissioner of labor may, by rule or regulation, require. Such notice may be sent by mail, postage prepaid.

SEC. 3. *Reports, confidential.*—The reports filed with the commissioner of labor, in accordance with the provisions of this act, shall not be made public, and shall not be opened to inspection unless, in the opinion of the commissioner of labor, some public interest shall so require, and such reports shall not be used as evidence against any employer in any suit or action at law brought by any employee for the recovery of damages, but such reports shall always be at the service and use of the employers' liability commission. Reports filed in accordance with this act shall be in lieu of all other reports required to be filed pursuant to the provisions of an act entitled "An act creating the employers' liability commission and prescribing its powers and duties, and requiring reports to be made by the employers of labor upon the operations of the employers' liability law for the information of said commission," approved April twenty-seventh, one thousand nine hundred and eleven, and shall be considered to be compliance with the terms of the last-mentioned act.

SEC. 4. *Violations.*—[Violations incur a penalty of $50 for each offense.]

CHAPTER 202.—*Suits for wages*

SECTION 1. *Costs remitted, when.*—In any suit based upon a claim for money due for wages or by reason of a claim for personal services rendered, the party

bringing said suit, where the amount claimed shall not exceed the sum of twenty ($20) dollars, it shall be the duty of the clerk of any district court of this State, to issue the summons, prepare and file the state of demand and of the sergeant at arms of said court to serve the said summons without payment by the party bringing said action of any costs therefor: *Provided*, That said party shall make affidavit of the truth of his said claim and of his inability to pay the cost ordinarily taxed thereon.

SEC. 2. *Costs.*—The judge of the said district court may in his discretion upon the entering of judgment in such cases, order that the costs shall not be taxed thereon * * *.

CHAPTER 216.—*Employment of women—Hours of labor*

SECTION 1 (as amended 1921, ch. 194). *Work time.*—No female shall be employed, allowed or permitted to work in any manufacturing or mercantile establishment, in any bakery, laundry or restaurant more than ten hours in any one day, or more than six days, or fifty-four hours in any one week: *Provided*, That in hotels or other establishments the business of which is in its nature continuous, and where the working hours for women do not exceed eight hours per day, the provisions of this act shall not apply: *And provided*, That nothing herein contained shall apply to canneries engaged in packing a perishable product such as fruits and vegetables.

SEC. 2. *Enforcement.*—It shall be the duty of the commissioner of labor, the assistant commissioner or the inspectors and they shall have power to investigate and inspect, all establishments coming under the intent and provisions of this act.

SEC. 3. *Law to be posted.*—An abstract of this law shall be prepared and furnished by the commissioner of labor to every corporation, firm or person in this State who is affected thereby, and every such corporation, firm or person shall post such abstract of this law and keep it posted, in plain view, in such place that it can be easily read by the employees or operatives in going in or coming out from said manufacturing or mercantile establishment, bakery, laundry or restaurant, and shall also keep a record of the hours of work of each employee in a proper book prepared for that purpose which book shall be open to the inspection of the department of labor as required.

SEC. 4 (as amended 1920, ch. 236). *Violations.*—[Violations of this act are punishable by fine not exceeding $50 for first offense, and $200 for second offense.]

SEC. 6. *Manufacturing establishment.*—"Manufacturing establishments" as used in this act means any place where articles for use or consumption are regularly made.

SEC. 7. *Mercantile establishment.*—"Mercantile establishment" as used in this act means any place where goods, wares, or merchandise are offered for sale.

SEC. 8. *Bakery.*—"Bakery" as used in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes, and confectionery are made or manufactured for sale.

SEC. 9. *Restaurant.*—"Restaurant" as used in this act means any place where refreshments, both food and drink, and where meals are served to the public.

SEC. 10. *Laundry.*—"Laundry" as used in this act means any place where laundry work is regularly carried on.

CHAPTER 351.—*Occupational diseases—Reports*

SECTION 1. *Physicians to make reports.*—Every physician attending upon or called in to visit a person whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury, or their compounds, or from anthrax, or from compressed-air illness, contracted as a result of such person's occupation or employment, shall within thirty days after his first professional attendance upon such person, send to the State board of health a written notice, stating the name and full post-office address, and place of employment of such person, and the nature of the occupation, and the disease or ailment from which, in the opinion of such physician, the person is suffering, with such other specific information as may be required by the State board of health.

SEC. 2. *Violations.*—[Failure to comply entails a penalty of $25 for each offense. All penalties collected are to be paid into the treasury of the State.]

SEC. 3. *Enforcement.*—It shall be the duty of the board of health of this State to enforce the provisions of this act, and it may call upon the local boards of health and health officers of such local boards of health for assistance. It shall be the duty of all local boards of health and all health officers, when so called upon for such assistance, to render the same. It shall be the duty of the said board of health of this State to transmit any data received under the provisions of section one of this act to the commissioner of labor of this State.

ACTS OF 1913

CHAPTER 47.—*Safety appliances at docks, etc.*

SECTION 1. *Ladders to be provided.*—All persons, companies or corporations owning or operating any dock or docks, or pier or piers in the State of New Jersey shall provide at least one ladder manufactured from wood, rope, iron, or cast steel, for the passage of laborers or workmen or employees, commonly termed "longshoremen," from the pier or piers, or dock or docks owned or operated by said person, company, companies, corporation or corporations to the deck of each vessel such as a barge, canal boat, tug boat, or any similar water-craft moored or fastened to such dock or docks, pier or piers, and that said ladders shall be so constructed or manufactured that they shall have a carrying or bearing or resisting power or strength sufficient to bear a weight of at least six hundred (600) pounds. Failure to provide such ladder leading to the deck of each vessel as aforesaid shall be punishable by a fine of one hundred dollars in each instance in which said person, persons, company, companies, corporation or corporations shall be found guilty of violating the provisions of this act.

CHAPTER 183.—*Inspection and regulation of factories, etc.—Elevators*

SECTION 1. *Scope of law.*—Every elevator located in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on shall conform in every respect to the specifications and requirements hereafter named.

SECS. 2–21. *Construction, etc.*—[Detailed requirements of construction and equipment are given, automatic gates, doors controlled only by the operator, and approved locking devices being among the provisions prescribed.]

SEC. 22. *Order forbidding use.*—In case any elevator located in any building mentioned in section one of this act shall not compy with the provisions of this act and shall be in such a condition that its operation, in the judgment of the commissioner of labor, is hazardous to the persons using the same or to the persons employed in such building, the said commissioner of labor shall forthwith prevent the further use of such elevator until the same is made to comply with the provisions of this act. The commissioner of labor shall give to the owner of such building, and to the occupant thereof, in case the same is occupied by some person other than the owner, twenty-four hours' notice in writing of an order forbidding the further use of such elevator, as aforesaid, and at the expiration of such notice shall post at each entrance to such elevator on each floor, a notice that the use of such elevator has been forbidden by an order of the department of labor. Such elevator shall not be used after the posting of such notices until a certificate shall be issued by the commissioner of labor stating that such elevator complies with all of the provisions of this act. The owner of such building, if he be the occupant of the building, or the occupant of the building, in case the owner is not the occupant, shall, for any violation of this section, be liable to a penalty of two hundred dollars for each offense.

SEC. 23. *Penalties.*—All penalties for violation of any of the provisions of this act shall be sued for and recovered by the commissioner of labor of the State of New Jersey for the use of said State in the same way and manner as penalties incurred by violation of the act to which this act is a supplement [secs. 16–60, p. 699 et seq.].

CHAPTER 253.—*Hours of labor on public works*

SECTION 1. *Eight hours a day's work.*—All contracts hereafter made by or on behalf of the State of New Jersey, or by or on behalf of any county, city, township or other municipality of said State, with any corporation, person or persons, for the performance of any work, or the furnishing of any material manufactured within the State of New Jersey, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for any such corporation, person or persons to require or permit any laborer or workman and mechanic to work more than eight hours per calendar day in doing such work of furnishing or manufacturing such material: *Provided*, That in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life such laborer or workmen and mechanics may be employed for longer periods per calendar day if paid on the basis of eight hours constituting a day's work: *And provided, further*, That not less than the prevailing rate of per diem wages in the locality where the work is performed shall be paid to such laborers or workmen and mechanics so employed by such contractors or subcontractors by or on behalf of the State of New Jersey, or by or on behalf of any county, city, township or other municipality of said State.

SEC. 2. *Violations.*—[Violations are punishable by fine, $50 to $500, or imprisonment not exceeding 6 months, or both.]

CHAPTER 269.—*Accident prevention—Instruction of children*

SECTIONS 1–5. *Instruction required.*—[Thirty minutes' instruction every two weeks must be given by all teachers in the schools of the State as to ways and means of preventing accidents. A manual is to be prepared, and lectures given. All schools, public, private and parochial, must print copies of the act in the manual or handbook prepared for the guidance of teachers.]

ACTS OF 1914

CHAPTER 121.—*Work in compressed air*

SECTION 1. *Definition.*—(1) The term "pressure," when used in this act, means gauge pressure in pounds per square inch.

(2) The term "employer," when used in this act, includes partnerships and corporations.

SEC. 2. *Safety.*—Every tunnel, caisson, compartment or place to which this act applies shall be so constructed, equipped, arranged, operated and conducted as to provide such protection to the lives, health and safety of all persons employed therein as the nature of the employment will reasonably permit.

SEC. 3. *Regulations.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Provide and install gauges in each tunnel for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible at all times during working hours to all employees in the tunnels;

(2) Provide and attach gauges to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges, and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours;

(3) Provide and attach an air gauge and a timepiece to each air lock. Such gauge and timepiece shall be accessible to the lock tender at all times;

(4) Keep at least two air pipes or lines connected with each tunnel, caisson, compartment or place in which persons are so employed;

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work;

(6) Keep every passageway used in connection with such work clear and properly lighted;

(7) Provide sufficient electric lights for all lighting purposes and provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated;

(8) Provide, for the use of all persons so employed, dressing rooms which shall be kept open and accessible during working hours and during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted, and ventilated;

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock. Such lock shall be at least six feet high, inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and timepieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted and ventilated.

Sec. 4. *Position of caisson.*—No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

Sec. 5. *Daily inspections.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports, and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working day by a competent person especially designated for that purpose, and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer, and the defect shall be immediately repaired.

Sec. 6. *Medical aid.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Employ one or more licensed physicians as medical officers who shall be present to render medical assistance at all necessary times at the place where such work is in progress and who shall perform such other duties as are imposed on them by this act;

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer and be certified by him to be competent, by actual experience, to handle cases of compressed air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of timekeeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

Sec. 7. *Intemperate employees.*—No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air.

Sec. 8. *Physical examination.*—(1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor;

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten, and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds until he has been reexamined by the medical officer and found to be physically qualified therefor;

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days, for any cause, shall be permitted to resume such work until he has been reexamined by the medical officer and found to be physically qualified therefor;

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been reexamined by the medical officer and found to be physically qualified therefor.

Sec. 9. *Records.*—The medical officer shall keep a record of all physical examinations made in accord with section eight, which record shall be kept at the place where the work is in progress and shall contain the name, age, address and full description of each person examined, the date on which each examination was made, and the physical condition, on that date, of the person examined, and the total time such person has worked in compressed air, in-

cluding time in previous employments. The employer shall also be responsible for the observance of this section.

SEC. 10. *Hours of service.*—When the air pressure in any tunnel, caisson, compartment, or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein shall be as hereafter stated. In every case the maximum number of hours shall be divided into two working periods of equal length, and the minimun time interval which shall elapse between such working periods shall be as hereafter stated.

	Number of hours in 24	Interval between working periods
When the air pressure		
Exceeds normal but does not exceed 21 pounds	8	30 minutes.
Exceeds 21 but does not exceed 30 pounds	6	1 hour.
Exceeds 30 but does not exceed 35 pounds	4	2 hours.
Exceeds 35 but does not exceed 40 pounds	3	3 hours.
Exceeds 40 but does not exceed 45 pounds	2	4 hours.
Exceeds 45 but does not exceed 50 pounds	1½	5 hours.

Except in cases of emergency, no person shall be employed or permitted to work or remain in any tunnel, caisson, compartment or place where air pressure exceeds fifty pounds.

SEC. 11. *Decompression locks.*—No person shall be permitted to pass from any tunnel, caisson, compartment or place where he has been employed in compressed air to atmosphere of normal pressure without passing through an intermediate lock or state of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the employee is passing from a caisson, compartment or place to atmosphere of normal pressure, the time of decompression shall be as follows:

	Time of decompression
When the pressure in a caisson, compartment, or place	
Exceeds normal but does not exceed 10 pounds	1 minute.
Exceeds 10 but does not exceed 15 pounds	2 minutes.
Exceeds 15 but does not exceed 20 pounds	5 minutes.
Exceeds 20 but does not exceed 25 pounds	10 minutes.
Exceeds 25 but does not exceed 30 pounds	12 minutes.
Exceeds 30 but does not exceed 36 pounds	15 minutes.
Exceeds 36 but does not exceed 40 pounds	20 minutes.
Exceeds 40 but does not exceed 50 pounds	25 minutes.

SEC. 12. *Enforcement.*—The commissioner of labor shall enforce this act. The commissioner, the assistant commissioner, and the inspectors of the department of labor shall inspect every place of employment included in this act, and for that purpose may enter any such place.

SEC. 13. *Violations.*—[Violations are punishable by fine of $50 for first offense, $100 for second, and $300 for third and subsequent offenses; penalties to be paid to the treasurer of the State.]

CHAPTER 162.—*Inspection and regulation of factories and workshops—Occupational diseases*

SECTION 1. *Safety devices.*—Every employer shall, without cost to the employees, provide reasonably effective devices, means and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged.

SEC. 2. *Dangerous processes.*—(a) Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluosilicate is hereby declared to be especially dangerous to the health of the employees who, while engaged in such work or process are exposed to lead dusts, lead fumes or lead solutions.

(b) Every work or process in the manufacture of pottery, tiles, or porcelain enameled sanitary ware is hereby declared to be especially dangerous to the health of the employees who, while engaged in such work or process, are exposed to lead dusts or lead solutions.

SEC. 3. *Provisions required.*—Every employer shall, without cost to the employees, provide the following devices, means and methods for the protection of his employees who, while engaged in any work or process included in section two, are exposed to lead dusts, lead fumes or lead solutions.

(a) The employer shall provide and maintain workrooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully separated by partition walls from all departments in which the work or process is of nondusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be cleaned either by wet method or vacuum cleaner daily.

Every work or process referred to in section two, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding and packing of all lead salts or other compounds referred to in section two, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle or furnace in which lead in any form referred to in section two is being melted or treated, and any place where the contents of such kettles, receptacles or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead in any chemical form or combination referred to in section two is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air exhaust; and all hoppers, chutes, conveyers, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry pans or other apparatus for drying pulp lead, drying pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump, or other apparatus, either through a cloth dust collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) The employer shall provide a wash room or rooms for such employees which shall be separate from the workrooms, to be kept clean and be equipped with:

(1) Lavatory basins fitted with waste pipes, and two spigots conveying hot and cold water; or

(2) Basins placed in troughs fitted with waste pipes, and for each basin two spigots conveying hot and cold water; or

(3) Troughs of enamel or similar smooth impervious material fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five such employees and where troughs are provided at least two feet of trough length for every five such employees. The employer shall also furnish nail brushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowance of not less than ten minutes, at the employer's expense, shall be made to each of such employees for the use of said wash room before the lunch hour, and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluosilicate shall also provide at least one shower bath for every five such employees. The baths shall be approached by wooden runways, be provided with movable wooden floor gratings, be supplied with controlled hot and cold water and be kept clean. The employer shall furnish soap and shall provide at least

two clean bath towels per week for each employee. An additional time allowance of not less than ten minutes at the employer's expense, shall be made to each such employee for the use of said baths at least twice a week at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the department of labor of this State and also by the State board of health.

(*c*) The employer shall provide a dressing room or rooms which shall be separate from the workrooms, to be furnished with a double sanitary locker, or two single sanitary lockers for each such employee, and be kept clean.

(*d*) The employer shall provide an eating room, or eating rooms for such employees, and such rooms shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No such employee shall take or be allowed to take any food or drink of any kind into any workroom, nor shall any such employee remain or be allowed to remain in any workroom during the time allowed for his meals.

(*e*) The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of such employees.

(*f*) The employer shall provide at least two pairs of overalls and two jumpers for each such employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

(*g*) The employer shall provide and renew when necessary at least two reasonably effective respirators for each employee who, while engaged in any work or process which produces lead dusts, is exposed to such dusts: *Provided*, If at any time it is shown to the satisfaction of the commissioner of labor of the State of New Jersey, in the case of any manufacturer or process or any operation forming part thereof in the potteries that injury to health is adequately prevented by other appliances or any other condition than those prescribed by law, he may modify the whole or any part of the law so far as it applies to such pottery manufacture or process.

SEC. 4. *Duties of employees.*—Every employee who, while engaged in any work or process included in section two, is exposed to lead dusts, lead fumes or lead solutions, shall:

(*a*) Use the washing facilities provided by the employer in accord with section three (b), and wash himself at least as often as a time allowance is therein granted for such use;

(*b*) Use the eating room provided by the employer with section three (d), unless the employee goes off the premises for his meals;

(*c*) Put on and wear at all times, while engaged in such work or process, a suit of the clothing provided by the employer in accord with section three (f), and remove the same before leaving at the close of the day's work; and keep his street clothes and working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accordance with section three (c);

(*d*) Keep clean the respirators provided by the employer in accordance with section three (g), and use one at all times while engaged in any work or process which produces lead dusts and is exposed to such dusts.

SEC. 5. *Instructions to be posted.*—The employer engaged in any of the processes mentioned in section two shall post in a conspicuous place in every workroom where any work or process included in section two is carried on, in every room where washing facilities are provided, in every dressing room and eating room, a notice of the known dangers arising from such work or process and simple instructions for avoiding, as far as possible, such dangers. The commissioner of labor shall prepare a notice containing the provisions of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section two, and the employer shall post copies thereof in the manner hereinabove stated. The notices required in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee who may be exposed to lead dusts, lead fumes or lead solutions, by the employer when the said employee enters employment in such work or process, interpreters being provided by the employer, when necessary, to carry out the above requirements.

SEC. 6. *Monthly examinations.*—The employer shall cause every employee, who, while engaged in any work or process included in section two, is exposed to lead dusts, lead fumes, or lead solutions, to be examined at least once

a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination, and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examination shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefore [therefor], at the employer's expense, being made to each employee so examined.

SEC. 7. *Records.*—Every physician making any examination under section six and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination, containing the names and addresses of the employees so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the department of labor and by the State board of health.

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the department of labor and one to the State board of health. The report shall be on or in conformity with blanks furnished by the State board of health, free of cost, to every employer included in section two, and shall state:

(a) Name, occupation, and address of employee.

(b) Name, business, and address of employer.

(c) Nature and probable extent of disease.

(d) Such other information as may be reasonably required by the State board of health.

The examining physician shall also, within the said forty-eight hours, report such examination and find[ing] to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

SEC. 8. *Enforcement.*—The commissioner of labor shall enforce this act and prosecute all violations of the same. The said commissioner, the assistant commissioner, and the inspectors of the said department shall be allowed at all reasonable times to inspect any place of employment included in this act.

SEC. 9. *Violations.*—Every employer who, either personally or through any agent, violates or fails to comply with any provision of section one or section three of this act shall be liable to penalties of fifty dollars for the first offense, one hundred dollars for the second offense, and three hundred dollars for the third and each subsequent offense. Every employee who violates or fails to comply with any provision of section four of this act, shall be liable to a penalty of ten dollars for the first offense and twenty-five dollars for the second and each subsequent offense. Every employer who, either personally or through an agent, violates or fails to comply with any provisions of sections five, six, or seven of this act, relating to him, shall be liable to a penalty of fifty dollars for each offense, and every employee who violates or fails to comply with any provision of section six of this act, relating to him, shall be liable to a penalty of ten dollars for each offense.

SEC. 10. *Actions.*—Any and all penalties prescribed by any of the provisions of this act shall be recovered in an action of debt by and in the name of the commissioner of labor of the State of New Jersey. * * *

SEC. 12. *Definition.*—In this act, unless the context otherwise requires, "employer" includes partnerships and corporations.

SEC. 13. *Proviso.*—In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

CHAPTER 223.—*Employment of children—General provisions*

SECTION 2 (as amended 1919, ch. 35). *School attendance.*—[Attendance is required up to 16 years unless a child is 14, has been granted an age and schooling certificate, and is regularly and lawfully employed. Such children must attend a continuation school six hours per week, or if temporarily unemployed, 20 hours per week.]

SEC. 3. *Issue.*—[Certificates are issued by a supervisor, on application of the parent, guardian, or custodian of the child.]

SEC. 4. *Unemployment.*—[If not employed, children under 16 must attend school.]

SECS. 5–11. *Certificates.*—[Evidence of age, a certificate of physical ability, and school attendance to complete five grades, are required. The supervisor who issues must send to the department of labor the original papers filed by applicants, and must keep records of issues and rejections.]

SEC. 12 (as amended 1919, ch. 35). *Employers' certificates.*—[Blanks are furnished, which employers must fill out, showing the nature of the work, the wages, and agreeing to the attendance of the child at a continuation school. When employment terminates, the employer must return the child's certificate which has been on file to the supervisor's office, to be held until the child secures new employment.]

SEC. 13. *Dependent parents.*—[If the services of a child between the ages of 10 and 16 are needed to support itself or its family, a certificate permitting light employment outside of school hours, but not between 7 p. m. and 6 a. m., may be issued on petition and investigation.]

SEC. 19. *Fees.*—[No fees or expenses in connection with the issue of certificates shall be charged to or paid by any parent, guardian, or custodian.]

ACTS OF 1915

CHAPTER 43.—*Employment of unskilled laborers by cities, etc.—Poor persons*

SECTION 1. *Employment to be provided when.*—Whenever in any city or other municipality of this State there is a relief committee for the relief of unemployed persons in said city or other municipality, it may be lawful for the common council, board or body having charge and control of the various departments employing unskilled labor in any such city or other municipality, to select from the needy poor of any such city or other municipality, persons who are residents of any such city or other municipality, to do such work as unskilled laborers as may be assigned to any such persons by the said common council, board or body, having charge and control of the various departments employing unskilled labor in any city or other municipality as aforesaid; but when such persons are employed as aforesaid, their roster of payment shall first be submitted to the civil service commission of this State for its approval, and said commission shall give its approval whenever it is satisfied that the provisions of this act have been complied with, and said civil service commission is hereby authorized to make such investigation as to the employment of such persons as in their judgment they may deem proper, or they may take the certification of the common council of any such city or other municipality as a sufficient warrant for the approval of said roster.

CHAPTER 47.—*Free public employment offices*

SECTION 1. *Bureaus authorized.*—The department of labor is hereby authorized to establish such labor bureaus in the offices of the department of labor, or elsewhere in the State, as the commissioner of labor may deem advisable, for the following purposes: To bring together employers seeking employees and working people seeking employment; to supply information as to opportunities for securing employment in this State, and the character of the work to be performed; to supply such information as may enable persons to secure industrial and agricultural training and employment; to investigate the extent and causes of unemployment in the State of New Jersey, and as far as possible to suggest remedies therefor; to adopt the most efficient means within its power to avoid unemployment; to provide employment and to prevent distress from involuntary idleness; and to keep a record of all labor disturbances or strikes brought to its attention.

SEC. 2. *Advisory committees.*—The commissioner of labor is authorized to appoint advisory committees or agents, who shall serve without pay, to aid in carrying on this work in the various parts of the State.

SEC. 3. *Data as to unemployment.*—The commissioner of labor shall secure all data as to unemployment and also in regard to those who desire to secure employees, and shall take the most efficient method in disseminating such information throughout the State as may enable those unemployed to secure the positions.

SEC. 4. *Cooperation.*—The commissioner of labor is authorized to cooperate with any other public employment bureaus, whether operated by voluntary, charitable or eleemosynary organizations or by municipalities in this or other States or by States or by the United States Government.

SEC. 5. *Fees.*—No fees or other compensation shall be charged or received, directly or indirectly, for any service performed pursuant to the provisions of this act, from any person applying for employment or from any person desiring an employee.

SEC. 6. *Strikes, etc.*—The agents in charge of the labor bureaus organized pursuant to this act or cooperating with the department of labor in carrying out the provisions of this act shall keep a record of all labor disturbances or strikes that occur in the territory covered by each office. All such agents shall give notice of the existence of any labor disturbance or strike to all applicants for a position who may be affected thereby.

SEC. 7. *Bulletins, etc.*—The commissioner of labor may, in his discretion, issue such bulletins, notices, circulars or other printed matter as may be necessary for carrying out the objects of this act.

SEC. 8. *Facilities, etc.*—The commissioner of labor may, for the purposes of carrying out this act, use such offices, employees or funds at his command, or fees received by him, as may be available for that purpose.

CHAPTER 266.—*Exemption of wages from execution*

SECTION 1. *Amount.*—[If wages to the amount of $18 per week or more are due or owed by a judgment debtor, his judgment creditor may secure a continuing order for the payment of ten per cent of such wages on the debt until discharged, with costs. If wages exceed $1,000 per annum, a larger percentage may be levied; but only one such execution may be enforced at one time.]

SEC. 2. *Duty of employer.*—[It is the duty of the employer to pay the percentage prescribed to the officer presenting the execution until the judgment is satisfied.]

ACTS OF 1916

CHAPTER 40.—*Department of labor*

SECTION 1 (as amended 1922, ch. 252). *Organization.*—The department of labor shall be reorganized and hereafter composed of:

First. One commissioner of labor.
Second. A bureau of general and structural inspection.
Third. A bureau of electrical and mechanical equipment.
Fourth. A bureau of hygiene, sanitation, and mine inspection.
Fifth. A bureau of engineers' and firemen's licenses.
Sixth. A bureau of industrial statistics.
Seventh. A bureau of employment.

SEC. 2. *Commissioner.*—The commissioner of labor shall be a citizen and resident of this State, appointed by the governor, by and with the advice and consent of the senate. He shall hold his office for the term of five years and until his successor is appointed and qualified. He shall receive a salary of six thousand dollars per annum.

SEC. 3. *Powers and duties.*—He shall be the executive and administrative head of the department. All powers and duties heretofore vested in and devolved upon the commissioner of labor or the department of labor shall hereafter be exercised and performed by him in person or under his personal supervision and control, through and by any bureau or representative thereof, duly authorized by the commissioner of labor for that purpose. When not inconsistent with the provisions of any statute, he shall assign to the various bureaus and cause to be performed through them, under his supervision and in his name, such duties as may have been or hereafter may be devolved generally upon the department of labor or upon the commissioner of labor, to the end that through the several bureaus, each performing its assigned correlated functions, the work of the department shall be economically, efficiently, and promptly performed.

SEC. 4 (as amended 1922, ch. 252). *General and structural inspection.*—The bureau of general and structural inspection shall consist of a chief inspector, who shall be a structural expert, appointed by the commissioner of labor, and who shall be hereafter known as deputy commissioner of labor, and nineteen inspectors appointed by the commissioner of labor, of which at least three shall be women.

SEC. 5 (as amended 1922, ch. 252). *Duty of deputy commissioner.*—The deputy commissioner of labor in charge of the bureau of general and structural inspection shall direct and assign, under the supervision and control of the commissioner of labor, the work of general and structural inspection except as hereinafter provided; supervise the work relating to plans for the alteration of old and the erection of new buildings, elevators, fire escapes, fire protection[;] supervise the inspection of the manufacture, storage, and transportation of explosives and such additional correlated duties as the commissioner shall direct. The deputy commissioner of labor in charge of the bureau of general and structural inspection shall be the representative of the commissioner of labor, in his absence, in the administrative duties of the general office and as the commissioner of labor shall authorize.

SEC. 6 (as amended 1922, ch. 252). *Electrical and mechanical bureau.*—The bureau of electrical and mechanical equipment shall consist of a chief inspector, who shall be appointed by the commissioner of labor. In addition to the chief inspector, there shall be one inspector, who shall be appointed by the commissioner of labor.

SEC. 7 (as amended 1922, ch. 252). *Fire alarms, etc.*—The bureau of electrical and mechanical equipment shall, under the supervision and control of the commissioner of labor, perform such duties in matters relating to fire alarm installations or other electrical equipment, the installation of mechanical safeguards on machinery and other correlated duties as the commissioner shall direct.

SEC. 8 (as amended 1922, ch. 252). *Hygiene, etc.*—The bureau of hygiene, sanitation, and mine inspection shall consist of a chief inspector appointed by the commissioner of labor, who shall be hereafter known as deputy commissioner of labor, an expert investigator of occupational diseases, a mine inspector having practical knowledge and skill in the work in and operation of mines and quarries, a bakery inspector who shall be a practical baker, one inspector, who shall be a person having practical knowledge and skill as a metal polisher and buffer, and such other inspectors or employees as may be assigned to the bureau.

SEC. 9 (as amended 1922, ch. 252). *Ventilation, sanitation, etc.*—The deputy commissioner of labor in charge of the bureau of hygiene, sanitation, and mine inspection shall perform, under the supervision and control of the commissioner of labor, the duties devolving upon the department of labor or the commissioner of labor, with relation to the elimination of dust, fumes, and excessive heat in industrial operation; the investigation of occupational diseases, and the ventilation and sanitation of factories, mills, bakeries, workshops, and places where the manufacture of goods is carried on; the inspection of mines, quarries, tunnels, and caissons; the direction of industrial safety education and such additional correlated duties as the commissioner of labor shall direct. The deputy commissioner of labor in charge of the bureau of hygiene, sanitation, and mine inspection shall be the personal representative of the commissioner of labor in the field and as authorized.

SEC. 10. *Bureau of engineers' and firemen's licenses.*—The bureau of engineers' and firemen's licenses shall be constituted in the manner and form prescribed by and subject to all the provisions of an act * * * [ch. 363, Acts of 1913]. This bureau shall also perform, under the supervision and control of the commissioner of labor, such additional correlated duties as the commissioner shall direct.

SEC. 11. *Bureau of industrial statistics.*—The bureau of industrial statistics shall consist of a chief of the bureau, who shall be appointed by the commissioner of labor. The salary of the chief of the bureau shall be twenty-five hundred dollars per annum.

SEC. 12. *Duties.*—The bureau of industrial statistics shall perform, under the supervision and control of the commissioner of labor, the duties formerly vested in the bureau of labor statistics * * * which bureau is now merged with the department of labor, and, in addition, shall publish and issue bulletins and pamphlets on matters pertaining to the work of the bureau, and perform such other duties as may be assigned to said bureau by the commissioner of labor.

SEC. 13. *Bureau of employment.*—The bureau of employment shall be constituted as contemplated by an act * * * [ch. 47, Acts of 1915], except that the commissioner of labor shall appoint a chief of the bureau and fix his compensation and appoint such additional clerks and employees as may be necessary, and fix their compensation. By the bureau thus organized the

powers and duties devolved upon the department of labor in and by the said act shall be exercised and performed.

SEC. 14. *Office force.*—The commissioner of labor shall appoint and assign to duty such clerks and stenographers as he may consider necessary, and fix their compensation. All offices and employments, except that of the commissioner of labor, in the department shall be within the classified service of the State, subject to all the provisions of the civil-service act.

SEC. 15. *Transfer of employees.*—The commissioner of labor may assign or transfer stenographers or clerks from one bureau to another, or inspectors from one bureau to another, or combine the clerical force of two or more bureaus, as may be necessary or advisable, or require from one bureau assistance in the work of another bureau. The system of organization hereby created is intended to facilitate and not to retard the economical and efficient performance of the work of the department and not to impair the control or responsibility of the commissioner over and for such work.

SEC. 16. *Present officials, etc.*—Upon this act taking effect the present commissioner of labor, who shall continue to hold his office in accordance with the provisions of this act, shall proceed to reorganize the department of labor as provided by this act. All the inspectors and other employees and appointees now in the service of the department shall continue in such service.
* * *

SEC. 17. *Additional appointees.*—The commissioner of labor may appoint and employ such additional inspectors, except investigators or advisers, at such compensation and for such period as he may consider necessary. He may also appoint volunteer inspectors to serve without compensation. All persons appointed under this section shall have the same rights and powers as the regular inspectors.

SEC. 19. *Expenses.*—All officers and employees or appointees in this department shall, in addition to their compensation, be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

CHAPTER 148.—*Bribery, etc., of employees—Chauffeurs*

SECTION 1. *Bribery.*—No person or corporation engaged in the business of keeping a garage or place for storage of automobiles or motor vehicles, automobile repair shop, or in the business of selling automobile supplies, parts, or accessories, shall pay or cause to be paid, either directly or indirectly, to any chauffeur or mechanic, or their representative, any money or other consideration whatsoever, as a present, reward, inducement, bonus, or commission on any bill for the storage of any motor vehicle or for the furnishing of work, repairs, supplies, or parts for and on any motor vehicle, and no chauffeur or mechanic shall ask for, demand, exact, require, accept, or receive, either directly or indirectly, from any person or corporation engaged in the business of keeping a garage or place for storage of automobiles or motor vehicles, automobile repair shop, or in the selling of automobile supplies, parts, or accessories, any money or other consideration whatsoever, on any bill for the storage of any motor vehicle, or for the furnishing of work, repairs, supplies, or parts for and on any motor vehicle.

SEC. 2. *Violations.*—[Violations incur a penalty of not exceeding $200, or imprisonment not more than 6 months, or both.]

CHAPTER 260.—*Elevator—Safety provisions*

SECTIONS 1–3. *Requirements.*—[Passenger elevators must be equipped with interlocking devices which will prevent the movement of the car until the door or gate is closed and fastened. Devices are to be approved by the commissioner of labor, who is charged with the enforcement of the act.]

ACTS OF 1917

CHAPTER 58.—*Department of labor—Inspectors*

SECTION 1 (as amended 1919, ch. 172). *Duties.*—The inspectors of the department of labor shall perform such duties as shall be designated by the commissioner of labor, and shall be divided into four grades, as hereinafter provided, which shall be designated, respectively, first grade, second grade, third grade, and fourth grade.

[Inspectors of the fourth grade are appointed from the civil-service list of eligibles, as are those of the third grade. The other grades are supplied by promotion after fixed terms of service and the passing of examinations. Compensation is as fixed by the civil-service commission.]

SEC. 2. *Salaries.*—The salary of the assistant commissioner of labor shall be $3,000 per annum. The assistant commissioner of labor, after having satisfactorily served as such assistant commissioner for five years, shall, if recommended by the commissioner of labor, be admitted to a noncompetitive promotion examination, to be conducted by the board of civil-service commissioners, and upon successfully passing such examination shall receive a salary of $3,500 per annum.

SEC. 3. *Same.*—The chief inspector of the bureau of structural inspection, the chief inspector of the bureau of electrical equipment, the chief inspector of the bureau of hygiene and sanitation, and the chief of the bureau of industrial statistics shall each receive a salary of $2,500 per annum. The chief of any of the above-named bureaus, after having satisfactorily served as chief of such bureau for five years, shall, if recommended by the commissioner of labor, be admitted to a noncompetitive promotion examination, to be conducted by the board of civil-service commissioners, and, upon successfully passing such examination, shall receive a salary of $3,000 per annum.

SEC. 4. *Expenses.*—The inspectors in the employ of the department of labor, the assistant commissioner of labor and the chiefs of the bureaus above mentioned shall, in addition to the annual salaries received by them, receive the expenses incurred by them in the performance of their duties.

CHAPTER 168.—*Protection of employees on buildings*

SECTION 1. *Complaint.*—Whenever complaint is made to the commissioner of labor of this State, mayor, superintendent of police or other persons in charge of the police force in any city, town, borough or township in this State, that the scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any stationary sling or scaffolding used in the construction or alteration, repairing, painting, cleaning or pointing of buildings within the limits of any city, town, borough or township aforesaid are unsafe or liable to prove dangerous to life or limb of any person, such commissioner of labor, mayor, superintendent of police, or other persons in charge of the police force, shall immediately cause an inspection to be made by a duly accredited representative of the commissioner of labor or by the building department of such municipality, or by a competent architect or builder of such scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes, or other parts connected therewith. If, after examination, such scaffolding, or any of such parts, is found not to conform to the provisions of this act, or with the rules made by the commissioner of labor under the authority of this act, the commissioner of labor, mayor, superintendent of police, or other persons in charge of the police force, shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger.

The person directed to make such inspection shall attach a certificate to the scaffolding or slings, hangers, irons, ropes or other parts thereof examined by him, which certificate shall state that he has made such examination, and that he found it safe or unsafe, as the case may be. If he declares it to be unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn such person or persons against the use thereof. Such notice shall be served personally upon the person responsible for the erecting, or by conspicuously affixing it to the scaffolding or part thereof to be declared unsafe.

After such notice has been served or affixed, the person responsible shall immediately remove such scaffolding or part thereof, or alter or strengthen it in such manner as to render it safe in the discretion of the person who has examined it, or his superiors.

Any person whose duty it is to examine or test any scaffolding or part thereof, as required by this act, shall have free access at all reasonable hours to any building or premises containing them or where they may be used.

SEC. 2. *Safety rails.*—If any scaffolding or staging swung or suspended from an overhead support or supports shall be more than ten feet from the ground or floor, same shall be deemed unsuitable and improper, and as not giving proper protection to the life and limb of any person employed or engaged thereon, unless such scaffolding or staging shall, while the same is in use,

have a safety rail properly bolted secure and braced and rising at least thirty-four inches above the floor or main portion of such scaffolding or staging, and extending along the entire length of the outside and ends thereof, and properly attached thereto, and it shall be provided with braces so as to sustain the weight of a man's body leaning against it. Such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 3. *Margin of safety.*—All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight to be dependent therefrom or placed thereon while in use, and not more than three men shall be allowed on any swinging scaffolding at any time.

In addition to the safeguards hereinabove provided, the commissioner of labor shall make such rules as may in his judgment be necessary to render the use of scaffolding or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any stationary sling or scaffolding used in the construction or alteration, repairing, painting, cleaning or pointing of buildings within the limit of this State safe.

SEC. 4. *Violations.*—[Penalty for violation is a fine, $10 to $100. Proceedings to recover are given in detail.]

CHAPTER 243.—*Manufacture, etc., of explosives*

Scope of act.—[The provisions of this act are directed mainly to securing the safety of the public. Its enforcement is intrusted to the commissioner of labor, who issues licenses, makes inspections, etc. Certain portions of the act affecting employment conditions are here reproduced.]

SECTION 11. *Inspection.*—The commissioner of labor shall make, or cause to be made, at least one inspection during every year of each licensed factory or magazine. The commissioner of labor shall appoint one or more inspectors who shall be subject to the direction and control of such commissioner of labor to carry out the provisions of this act, and such other duties as may be assigned to them by such commissioner of labor. * * *

SEC. 12. *Who may enter.*—No person, except an official as authorized herein or a person authorized to do so by the owner thereof, or his agent, shall enter any factory, building, magazine, or car containing explosives in this State.

SEC. 13. *Drivers.*—* * * It shall be unlawful for any person in charge of a vehicle containing explosives to smoke in, upon, or near such vehicle, to drive the vehicle while intoxicated, to drive the vehicle in a careless or reckless manner, or to load or unload such vehicle in a careless or reckless manner, or to make unnecessary stops.

* * * * * * *

SEC. 19. *Articles forbidden.*—No employee or other person shall attempt to enter any explosive plant with matches or other flame-producing devices, except electric incandescent flash lights, or liquor or narcotics in his or her possession or control, or while under the influence of liquor or narcotics, or to partake of intoxicants or narcotics while within the plants, under penalty of misdemeanor.

The superintendent may authorize in writing any employee or other person to have approved safety matches in his possession or to depart from the other provisions of this section.

It shall be the duty of the superintendent or other person in charge of all plants included within this act to provide safety containers for matches at all entrances to said plants.

ACTS OF 1918

CHAPTER 227.—*Private employment offices*

SECTION 1. *Definitions.*—[Fee includes any money, concession, or allowance made or promised. Agency includes nurses' registry, shipping agency, or other office where a fee is charged or received for procuring employment.]

SEC. 2. *Exemptions.*—[Teachers' agencies, agencies for technical and executive positions exclusively in recognized institutions, the employment departments of corporations, etc., procuring only workmen for themselves and charging no fee, charitable agencies, etc., are exempt from the provisions of this act.]

SEC. 3. *License.*—[No agency coming under this act may operate without a license from the commissioner of labor. Applicants must give name and place

of business, furnish evidence of good character, and pay a fee ranging from $25 per annum in cities of less than 50,000 to $100 in cities of 150,000 inhabitants or above. A bond in the penal sum of $1,000 must also be given, conditioned on compliance with this act, and also to secure payment of damages for fraud, etc.]

SEC. 4. *Registers.*—[Registers of applicants, employment promised or offered, fees received, and, if possible, names and addresses of former employers, etc., must be kept, open to official inspection. A register of applications for help, kind of help, persons applied, fee charged, etc., must likewise be kept. Reference furnished by applicants for positions in families or in a fiduciary capacity should, if possible, be communicated with; but applicants for help may voluntarily waive this provision in writing.]

SEC. 5. *Fees.*—[A schedule of proposed fees must be filed with the commissioner of labor, for his approval; changes also require approval. Dividing fees with employers or their agents is forbidden. If no help or position is procured or accepted through the agency, the fee must, on demand, be repaid in full. If a workman fails to remain one week, or is discharged for cause, the employer may have a new worker supplied or the return of three-fifths of his fee. If the employee is discharged within one week without fault, he shall be furnished a new position, or have three-fifths of his fee returned.]

No employee may be sent out except on an order from an employer; and if a worker is directed to a place where no employment existed, all fees and transportation costs shall be refunded.]

SEC. 6. *Receipts.*—[Receipts showing fees, nature of employment, etc., and the name of the agency, shall be furnished. On the back must be printed in a language the holder can understand the text of sections 5 and 6.]

SEC. 7. *Soliciting.*—[Soliciting a domestic employee to leave employment to go elsewhere is forbidden. If workers are sent outside the city on a contract, the agency must report to the commissioner of labor the terms, nature of work, location, etc. A duplicate must be furnished the employee, in a language he can understand.]

SEC. 8. *Acts forbidden.*—[No female may be sent to an immoral resort or place of bad repute; no persons of known bad character may frequent an employment office. Applications from children under 16 may not be received. No constraint may be used to compel anyone to enter an agency. Fraud in advertising, etc., or false promises are forbidden. Violations are punishable by fines from $50 to $250.]

SEC. 9. *Posting.*—[Sections 5, 6, 7, and 8 must be posted in the agency, in large type and in language which frequenters can understand.]

SEC. 10. *Enforcement.*—[The commissioner of labor must make at least bimonthly inspections. Inspectors must wear badges, and must see that the law is complied with. Licenses may be revoked for cause, after hearing, and no new license shall be granted the holder, or his representative or associate; nor may the place be licensed within 12 months.]

ACTS OF 1919

CHAPTER 187.—*Mine regulations*

SECTION 1. *Definitions.*—[Defines terms as ordinarily used.]

SEC. 2. *Bureau.*—[A bureau of mines is created in the department of labor, comprising an inspector and such employees as the commissioner of labor may think necessary.]

SEC. 3. *Appointments.*—Civil-service rules shall govern appointments. Salaries shall be fixed by the commissioner of labor.]

SEC. 4. *Inspector.*—[The inspector shall be at least 30 years of age, a resident, and have at least seven years' experience in underground mining.]

SEC. 7. *Duties.*—[The inspector must visit all mines in the State employing 25 men or more underground at least every 3 months, and those employing 6 men at least twice a year, and inspect workings, equipment, provisions for safety, etc., and investigate causes of accidents and accidental deaths. Operators must furnish him necessary assistance.]

SECS. 8–36. *Safety.*—[These sections embody a code of the usual content relating to the issue and enforcement of orders, reports of accidents, provisions for first aid, regulations as to blasting, explosives, fire protection, escape shafts, hoisting and lowering workmen, ladder ways, ventilation, signals, etc.]

CHAPTER 251.—*Factory, etc., regulations—Fire-alarm systems*

SECTION 1. *System to be installed, when.*—Every factory, workshop, mill, or place where the manufacture of goods of any kind is carried on which is more than two stories in height above grade on three sides of such building and wherein more than twenty-five (25) operatives are employed above the first floor or grade level shall be equipped with an electrical fire-alarm system or its equivalent in efficiency, except all buildings coming within the intent of this act that are equipped with an approved and efficiently maintained sprinkler system shall be exempt from the provisions requiring the installation of electrical fire-alarm equipment or its equivalent in efficiency, provided such sprinkler equipment in the judgment of the commissioner of labor is deemed sufficient protection to the occupants. The electrical fire-alarm system or its equivalent in efficiency shall include sufficiently loud sounding gongs or other approved devices located on each floor or subdivision of floors of such building to be distinctly heard above the noise of machinery and other sounds. All fire-alarm systems in buildings hereby required to be so equipped shall be installed in conformity with the standards of the department of labor, and shall be maintained at full operating efficiency continuously throughout the tenancy of such buildings.

SEC. 2. *Alarm throughout building.*—The system shall be so installed as to permit the sounding of all alarm gongs or other devices within a single building whenever the alarm is sounded in any one portion thereof; the means of sounding this alarm shall be placed within easy access of all the operatives within the specified factory or section thereof, preferably at usual means of egress, and shall be plainly labeled.

SEC. 3. *Use restricted.*—The system of fire alarm shall be used for no other than for fire-protective purposes.

SEC. 4. *Tests.*—The fire-alarm system shall be tested daily at or before the hour of commencing work, and such tests shall consist of two taps (or blasts). All the fire-alarm boxes in such fire-alarm systems shall be tested once in each calendar month. Reports shall be maintained by the management of any factory, workshop, mill, or other work place wherein such system exists of the daily tests, monthly tests, and fire drills.

SEC. 5. *Alarm to be sounded.*—It shall be the duty of the person in charge of any factory, workshop, mill, or other place where the manufacture of goods of any kind is carried on within a building equipped with such a system to immediately cause the alarm to be sounded in the event of fire.

SEC. 6. *Fire drills.*—A fire drill sufficient to enable the operatives of a factory, workshop, mill, or other work place immediately and rapidly to leave the premises shall be maintained in every factory building more than two stories in height, and shall be practiced at least once in every calendar month, and the management normally in charge of such factory, workshop, mill, or other place shall properly instruct all operatives in the method of practicing these fire drills. A demonstration of this drill shall be given at the request of a representative either of the department of labor or of the fire department of the municipality in which the factory, workshop, mill, or other work place is located. The chief of each fire department shall advise the commissioner of labor of any violations of the requirements of the law coming to his knowledge.

SEC. 7. *Enforcement; violations.*—[Enforcement rests with the commissioner of labor; twenty-four hours' notice may be given of closing for noncompliance with the act, and the use of the building for manufacturing purposes until the order has been revoked subjects the owner to a penalty of $1,000. Failing to comply with the orders of the commissioner within the time set entails a fine of $100, and $10 additional for each day's continued failure.]

SEC. 8. *Force of act.*—The provisions of this act shall be construed as furnishing minimum requirements for the guidance of said commissioner of labor; he may multiply or add such requirements as in his judgment are necessary and proper in each particular case. No municipality shall issue orders or permits in derogation thereof, but any municipality may require, in addition thereto, such precautions or devices as are not inconsistent with the provisions of this act, but the municipality shall be responsible for the enforcement of the orders issued under its authority.

ACTS OF 1920

CHAPTER 175.—*Employee representation—Ownership of stock, profit sharing, etc., by employees*

SECTION 1. *Purposes authorized.*—Any stock corporation formed under any law of this State may, upon such terms and conditions as may be determined in the manner hereinafter designated provide and carry out a plan or plans for any or all of the following purposes:

(a) *Stock.*—The issue or the purchase and sale of its capital stock to any or all of its employees and those actively engaged in the conduct of its business or to trustees on their behalf, and the payment for such stock in installments or at one time with or without the right to vote thereon pending payment therefor in full, and for aiding any such employees and said other persons in paying for such stock by contributions, compensation for services, or otherwise.

(b) *Profit sharing.*—The participation by all or any of its employees and such other persons in the profits of the corporate enterprise or of any branch or division thereof. Such share in such profits shall be regarded as a part of the corporation's legitimate expenses.

(c) *Benefits.*—The furnishing to its employees wholly or in part at the expense of such corporation of medical services, insurance against accident, sickness, or death, pensions during old age, disability or unemployment, education, housing, social services, recreation, or other similar aids for their relief or general welfare.

(d) *Members of board.*—The nomination and election by its employees of one or more thereof as a member or members of its board of directors, such member or members to have the same rights and authority and be subject to the same duties and responsibilities as the directors to be elected by the stockholders. Every such corporation may determine and provide the manner of making any such nominations and calling and conducting any such election, the time or times, the place or places where it shall be held, what number of years of service or other qualifications shall entitle its employees to one or more votes, whether said votes shall be cast personally or by proxy, what number of votes shall be required to elect, and such other restrictions and conditions as may be deemed expedient and proper: *Provided, however,* That the voting at all such elections shall be by secret ballot, and that if less than a majority of employees entitled to vote participate in the election, such election shall be inoperative and void. Any vacancy occurring in any such office by reason of a failure to elect or otherwise, shall be filled in the manner provided for in the plan, and in the absence of such provisions such vacancy shall be filled from among the employees or stockholders by the board of directors.

SECS. 2–4. *Procedure; dissenting stockholders.*—[Provision may be made in the articles of incorporation, or by action of the directors and stockholders. Dissenting stockholders may take steps to secure an appraisal of the value of their stock, which being confirmed by the court, the corporation shall pay the value, and secure the transfer of such stock. Plans adopted may be recalled in the same manner as provided for adoption, provision being required for reimbursement of money for which no stock had been issued.]

CHAPTER 334.—*Industrial safety museum—Department of labor*

SECTION 1. *Museum authorized.*—The department of labor may establish in the building known as 571 Jersey Avenue, Jersey City, now under lease by the said department of labor, or at any other location it may deem advisable, a State industrial safety museum in which may be installed such exhibits as said department of labor shall approve to further the standardization of safety and economic stability in manufactories.

SEC. 2. *Purposes.*—Said museum shall furnish information by means of said exhibits, which may include practical equipment appliances and devices, photographs, blue prints, engineering data, reports, statistics and lectures on the production and personnel standards now successfully operative in this country and abroad, covering the problems of

Factory construction and plant layout;
Fire prevention and protection;
Elevator installation and protection;
Electrical equipment;
Elimination of boiler room hazards;

Natural and artificial lighting methods;
Machine safeguarding and accident reduction;
Natural and mechanical ventilation;
Fan removal of dusts, fumes and excessive humidity;
Shop hygiene;
The installation of betterment provisions, including toilet, wash, dressing and lunch room facilities;
First aid and hospital equipment;
Industrial training in vestibule schools and shops;
The development of technical and shop library service;
The reduction of the labor turnover by means of approved employment methods, shop relations, Americanization activities and insurance benefits;
The stabilizing of working forces through improved transportation and housing facilities;
and such other safety and industrial problems as the said department of labor shall from time to time determine.

SEC. 3. *Administration.*—The commissioner of labor shall appoint and be an ex officio member of an administrative committee consisting of the director of the museum as chairman and at least one representative each of a chamber of commerce, a compensation insurance company, an accident insurance company, a life insurance company, a fire insurance company, a representative of labor and such additional representatives of the manufacturers and safety and conservation organizations of the State as may be deemed expedient for insuring the greatest usefulness of said museum, all of whom excepting the director shall serve without salary, who shall conduct said museum within the jurisdiction of said department of labor.

CHAPTER 349.—*Protection of employees as voters*

SECTION 43. *Influencing employees.*—Any employer of any workmen, or any agent, superintendent or overseer of any company or corporation employing workmen, or any person whosoever, who shall directly or indirectly, by himself or by any other person in his behalf or by his direction, make use of or threaten to make use of any force, violence or restraint, or inflict or threaten to inflict by himself or by any other person any injury, damage, harm or loss against any person or persons in his employ, in order to induce or compel such employee or employees to vote or refrain from voting for any particular candidate or candidates at any election, or on account of such employee or employees having voted or refrained from voting for any particular candidate or candidates at any election, or who shall, by any sort of duress, constraint or improper influence or by any fraudulent or improper device, contrivance or scheme, impede, hinder or prevent the free exercise of the franchise of any voter at any election, or shall thereby compel, induce or prevail upon any voter to vote for or against any particular candidate or candidates at any election, shall be guilty of a misdemeanor, and, being thereof convicted, shall be punished by a fine not exceeding two thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court before which conviction is had.

SEC. 46. *Use of pay envelopes.*—It shall not be lawful for any employer, in paying his employees the salary or wages due them, to inclose in their pay in "pay envelopes" upon which there is written or printed the name of any candidate or any political mottoes, devices or arguments containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer, within ninety days of an election, to put up or otherwise exhibit in his factory, workshop, or other establishment or place where his workmen or employees may be working, any handbill or placard containing any threat, notice or information that in case any particular ticket of a political party, or organization, or candidate shall be elected, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his workmen or employees.

SEC. 47. *Violations.*—The foregoing sections shall apply to corporations as well as individuals, and any person or corporation violating the provisions of this section is guilty of a misdemeanor, and any corporation violating this section shall forfeit its charter.

ACTS OF 1923

CHAPTER 31.—*Factory, etc., regulations—Smoking*

SECTION 1. *Smoking forbidden.*—No person shall smoke in any factory, workshop, mill or other place where the manufacture of goods of any kind is carried on. A notice prohibiting smoking shall be posted at every entrance, on every elevator car, in stair halls and in the rooms on each floor of every factory, workshop, mill or other place where the manufacture of goods of any kind is carried on, which notice shall also recite the penalty for the violation of the provisions of this act, and shall be in language readable by the persons employed in any such establishment: *Provided, however*, That nothing herein contained shall be construed to prohibit smoking in the protected portions of any factory, workshop, mill or other place where the manufacture of goods is carried on, which protected portions, as aforesaid, shall be designated by the commissioner of labor.

It shall be the duty of officials and employees of the fire departments of the respective municipalities within which the buildings, as described in this act, are located, to report any violations of this act, that come within their notice, to the said department of labor.

The commissioner of labor shall be charged with the enforcement of the provisions of this act.

Any person violating any of the provisions of this act shall be deemed to be a disorderly person, and upon conviction thereof shall be subject to a fine of not less than ten dollars nor more than twenty dollars for the first offense, and not less than twenty dollars nor more than fifty dollars for the second offense or for any subsequent offense, or by imprisonment for a term not exceeding thirty days, or both, in the discretion of the magistrate having jurisdiction.

CHAPTER 88.—*Employment of children—Age certificates*

SECTIONS 1–9. *Issue; evidence; effect.*—[The issue of certificates of age of minors over 16 is regulated, setting forth the evidence required, with a provision for medical examination to determine the alleged age in case no documentary proof of age is produced. An employer may require a copy of the age certificate provided for in this act before receiving a minor 16 to 21 years of age into his employment, and such certificate shall be conclusive evidence in the courts in any prosecution or action in which age is a material fact.]

CHAPTER 144.—*Hours of labor of women*

SECTION 1. *Hours of labor.*—In order to protect the health and morals of females employed in manufacturing establishments, bakeries and laundries by providing an adequate period of rest at night, no female shall be employed or permitted to work in any manufacturing establishment, bakery or laundry in this State before six o'clock in the morning or after ten o'clock in the evening of any day: *Provided*, That nothing herein contained shall apply to canneries engaged in packing a perishable product, such as fruits or vegetables.

SEC. 2. *Act in effect.*—This act shall take effect December thirty-first, one thousand nine hundred and twenty-four.

ACTS OF 1924

CHAPTER 70.—*Group insurance of public employees*

SECTION 1. *Deductions for premiums.*—In any municipality or county of this State where the employees of the said municipality or county have formed or may hereafter form themselves into groups, for the purpose of obtaining the advantages of the group plan of life insurance, in any one of the plans now in vogue or any plan which may hereafter be inaugurated, it shall be lawful for the governing body of the said municipality or county, when written petitions and authorizations signed by the employees as individuals are filed with the receiving and disbursing officer of the said municipality or county, to authorize, by resolution, the deductions specified in the said written petitions and authorizations and the payment of them to the designated fiscal agent of the group.

SEC. 2. *Contribution by county, etc.*—[The governing body of any county or municipality may, at its option, contribute not to exceed 25 per cent of the premium.]

CHAPTER 153.—*Accident insurance—Provisions of policies*

SECTION 1. *Insolvency not release.*—[Policies insuring employees and others against loss or damage from accident or injury for which the person insured is liable must contain a provision that the insolvency or bankruptcy of the insured shall not release the insurance carrier from his liability during the life of the policy. Notice to any authorized agent within the State must be accepted as notice to the insurer.]

CHAPTER 187.—*Reports of accidents*

SECTION 1. *Accidents to be reported.*—Upon the happening of any accident or the occurrence of any compensable occupational disease in any employment of labor in this State report thereof shall be made as follows:

Any employer carrying insurance as required by chapter 178 of the Laws of 1917, shall, when an accident occurs to one of his employees or an employee contracts a compensable occupational disease, make report thereof in accordance with the terms of his insurance policy. Such report shall be prepared in triplicate upon a form, designated as "First notice of accident," to be furnished by the insurance carrier. One copy shall be sent to the department of labor of the State, one copy to the insurance carrier, and one copy shall be kept on file by the employer. A supplemental report shall be prepared on a form designated as "Supplemental report" and sent in like manner at the expiration of the waiting period prescribed by paragraph 13 of the workmen's compensation act. If, however, the employee is able to resume work before the expiration of said waiting period, the supplemental report shall be sent immediately upon his return. Thereafter the employer shall promptly furnish the carrier whatever information is demanded and necessary to enable it to carry out the intent of the workmen's compensation act. These reports on the first notice and supplemental forms, filed with the State, must be signed by the employer and mailed by him directly to the workmen's compensation bureau as a check on the operations of the insurance company.

CHAPTER 204.—*Garnishment of wages—Exemption*

SECTION 11. *Satisfaction of judgments.*—[Where a judgment debtor is found to have a wage or other income in excess of $18 per week, 10 per cent thereof is subject to a lien and continuing levy until the judgment is paid. If the income exceeds $1,000 per annum, a larger percentage may be taken.]

NEW MEXICO

CONSTITUTION

ARTICLE XI. *Railroads—Safety appliances—State corporation commission*

SECTION 7. *Power to require safety appliances.*— * * * The commission shall also have power and be charged with the duty * * * to require all intrastate railways, transportation companies or common carriers, to provide such reasonable safety appliances in connection with all equipment, as may be necessary and proper for the safety of its employees and the public, and as are now or may be required by the Federal laws, rules and regulations governing interstate commerce.

ARTICLE XVII.—*Mine regulations—Inspector*

SECTION 1. *Office created.*—There shall be an inspector of mines, who shall be appointed by the governor, by and with the advice and consent of the senate, for a term of four years, and whose duties and salary shall be as prescribed by law.

SEC. 2. *Laws to be enacted.*—The legislature shall enact laws requiring the proper ventilation of mines, the construction and maintenance of escapement shafts or slopes, and the adoption and use of appliances necessary to protect the health and secure the safety of employees therein. No children under the age of fourteen years shall be employed in mines.

ARTICLE XX.—*Employment of children—Liability of railroad companies—Public works*

SECTION 10. *Duty as to laws.*—The legislature shall enact suitable laws for the regulation of the employment of children.

SEC. 16. *Acts of fellow servants, etc.*—Every person, receiver or corporation owning or operating a railroad within this State shall be liable in damages for injury to, or the death of, any person in its employ, resulting from the negligence, in whole or in part, of said owner or operator or of any of the officers, agents or employees thereof, or by reason of any defect or insufficiency, due to its negligence, in whole or in part, in its cars, engines, appliances, machinery, track roadbed, works or other equipment.

An action for negligently causing the death of an employee as above provided shall be maintained by the executor or administrator for the benefit of the employee's surviving widow or husband and children; or if none, then his parents; or if none, then the next of kin dependent upon said deceased. The amount recovered may be distributed as provided by law. Any contract or agreement made in advance of such injury with any employee waiving or limiting any right to recover such damages shall be void.

This provision shall not be construed to affect the provisions of section two of article twenty-two of this constitution, being the article upon schedule.

SEC. 19. *Eight-hour day.*—Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality thereof.

ARTICLE XXII.—*Liability of railroad companies for injuries to employees*

SECTION 2. *Railroad act of 1908 to be in force.*—Until otherwise provided by law, the act of Congress of the United States, entitled "An act relating to liability of common carriers, by railroads to their employees in certain cases," approved April twenty-second, nineteen hundred and eight, and all acts amendatory thereof, shall be and remain in force in this State to the same extent that they have been in force in the Territory of New Mexico.

ANNOTATED STATUTES—1915

Wages as preferred claims—In insolvency of corporations

SECTION 973. *Amount.*—[Wages of laborers and workmen for work done within the next four months preceding the institution of proceedings shall be a first and prior lien on all assets of an insolvent corporation.]

SEC. 974. *Liens.*—[The lien of a chattel mortgage recorded more than two months before proceedings begun is not affected by the above; nor is a chattel mortgage recorded within such two months, to secure money loaned or goods purchased within that period.]

Contracts of employment—Repayment, etc., of advances

SECTION 1572. *Fraud in procuring advances.*—Any person or persons, who under the pretense of hiring to do work for any other person or persons who shall obtain in advance and on account of promise of work to be done by such person or persons, any goods or money, and afterwards being able so to do willfully, fails to perform the work agreed by such person or persons to be performed; be punished before any justice of the peace by a fine of not less than fifty dollars, and no more than one hundred dollars, or by imprisonment for not less than three months nor more than six months or both: *Provided, however*, If before, or at the time said labor was to be done or performed said person or persons shall refund said money or pay for any goods so obtained and interest on the same, this law shall not apply.

Blacklisting

SECTION 1803. *Blacklisting forbidden.*—It shall be unlawful for any person or persons, firm or corporation employing labor in this State, after having discharged any person from service, to prevent or attempt to prevent by word, sign, or writing of any kind whatever, any such discharged employee from obtaining employment from any person or persons, firm or corporation: *Provided*, That any employer may give the true reasons either by writing or otherwise, for the discharge of any such employee.

SECS. 1804, 1805. *Violations.*—[Violations of preceding section are punishable by fine, $100 to $1,000. Damages and an attorney's fee may also be recovered.]

Protection of employees as voters

SECTION 2050. *Discharging or threatening discharge.*—Every officer or agent of any corporation, company, or association and every individual having under his control or in his employ any persons entitled to vote at any election who shall directly or indirectly discharge or threaten to discharge any such employee on account of his political opinions or belief, or who shall, by any corrupt or unlawful means, procure or attempt to procure or induce any such employee to vote or refrain from voting for any candidate, party ticket, proposition, question, or constitutional amendment at any election shall, upon conviction thereof, be punished by fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than six months or both such fine and imprisonment.

SEC. 2053. *Bribery, threats, etc.*—It shall be unlawful for any corporation organized or doing business under or by virtue of the laws of this State, directly or indirectly, by or through any of its officers or agents, or any other person, to influence or attempt to influence the vote of any voter at any election by the unlawful use of money belonging to such corporation, or by discharging or threatening to discharge any employee of such corporation on account of his political opinions or belief, or by any corrupt and unlawful means whatsoever to induce or persuade any employee or other person entitled to vote at any election to vote or refrain from voting for any candidate, party ticket, proposition, question, or constitutional amendment. Any violation of the provisions of this section by a corporation shall be punished by a fine of not less than one hundred nor more than one thousand dollars, and any person by or through whom such act is committed shall be punished by fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or by both such fine and imprisonment.

Wages—Exemption—Garnishment

SECTION 2311. *Amount.*—[The personal earnings of a head of a family for 60 days are exempt if it is shown that they are necessary to the support of his wife or family; but this does not apply to debts for manual labor or for necessaries of life.]

SEC. 2353. *Suits outside State.*—[If garnishment of personal earnings is sought in a suit outside the State, debtor and creditor both being residents of the State and service could have been obtained in the county of residence of the debtor, the suitor shall be liable for attorney's fee, costs of debtor, including travel, board, witnesses, etc., and $5 a day for time spent. He shall also be entitled to the amount exempted by the law of New Mexico, and to an attorney's fee in any damage suit brought in case the claim was successfully defended.]

Bonds of employees—Foreign guaranty companies

SECTIONS 2866, 2867. *Local agents required.*—[No employer may require employees to procure bonds from a foreign guaranty company unless such company has a representative within the State on whom process can be served and it has otherwise complied with the laws of the State. Employers making contracts or charging fees in violation of this act are subject to a fine of not less than $1,000 nor more than $10,000, in the discretion of the jury.]

Mine regulations

SECTIONS 3490–3502. *Maps, weighing coal, etc.*—[Maps are required, hoisting machinery and boilers must be inspected, scales kept accessible if mining is paid for by weight, a checkweighman is authorized, and penalties are provided for negligence or failure to comply with the law.]

Payment of wages in scrip—Company stores

SECTION 3503. *Scrip, etc., to be redeemable in money.*—It shall be unlawful for any person, firm, company, or corporation owning or operating coal or other mines or transacting any kind of general mercantile business in the State of New Mexico to sell, give, deliver, or in any manner issue directly or indirectly, to any person employed by him or it in payment for wages due for labor or as advances on wages of labor not due, any script [scrip], check, draft, or order, or evidence of indebtedness payable or redeemable otherwise than in their face value in money; and such person, acting member or agent of any firm, acting agent or agents or officers of any company or corporation [or] firm who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, nor less than two hundred and fifty dollars, and the amount of any scrip, token, check, draft, order, or other evidence of indebtedness sold, given, delivered, or in any manner issued in violation of the provisions of this section shall recover in money at the suit of any holder thereof against the person, firm, company, or corporation selling, giving, or delivering or in any manner issuing the same.

SEC. 3504. *Exemption.*—The provisions of the preceding section shall not apply in any instance where the issuance of scrip, check, draft, or order, is upon the voluntary request or at the instance of the party to whom issued, but only in cases where the employer seeks to compel, coerce, or influence the employee against his will to accept the same.

SEC. 3505. *Restricting trade.*—Whoever compels or in any manner seeks to compel or coerce an employee or any person, firm, company or corporation to purchase goods or supplies from any particular person, firm, company or corporation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or imprisonment in the county jail not exceeding sixty days, or both at the discretion of the court.

Mine regulations

SECTIONS 3507–3513. *Safety.*—[These sections relate to the operation of coal mines, establishing safety provisions as to exits, hoists, lights, ventilation, timbers, blasting, interference with apparatus or equipment, etc.]

Hospital service for employees

SECTION 3518. *Posthouse to be erected, when.*—All mining companies or other corporations doing business in this State who receive any money from their

employees for the purpose of employing a physician to attend to and render medical aid to any of said employees during sickness, or to enforce sanitary regulations for the benefit of said employees, are hereby required to erect and maintain a proper and suitable pesthouse not less than one and one-half miles from any town, mining camp, settlement, or village where the headquarters of such company may be, or where the greater portion of said employees may labor, for the purpose of taking proper care of, and quarantining any and all of said employees who may be affected with any contagious or infectious diseases and any company or corporation violating any of the provisions of this act [,] upon proper proceedings and conviction thereunder, shall be fined as set forth in section 1741 [in any sum not less than three dollars nor more than eighty dollars], and in addition thereto shall be liable for all damages occasioned by their violation of the law.

SEC. 3521. *Medical attendance to be provided, when.*—Whenever any employee of any corporation, person or persons engaged in the management and operation of any smelting works in the State of New Mexico, shall become disabled and rendered unfitted for labor by reason of lead poisoning, which said lead poisoning shall be the result and consequence of said employee's performance and proper discharge of said employee's duties in and about said smelting works, said employee shall be provided with and receive all proper medical attendance, medicines and sustenance during such disability, at the expense of said corporation, person or persons so employing him.

SEC. 3522. *Action for recovery.*—If any such corporation, person or persons engaged in the management and operation of any smelting works in the State of New Mexico shall fail to provide such employee with all proper medical attendance, medicines and sustenance during such disability of said employee, then the reasonable expense of providing such employee with all proper medical attendance, medicines and sustenance during such disability of said employee may be recovered from such corporation, person or persons so engaged in the management and operation of smelting works as aforesaid, in an action at law by and in the name of any person or persons rendering or providing such employee with the said medical attendance, medicines and sustenance.

Miners' Hospital

SECTION 5106. *Free hospital.*—The Miners' Hospital of New Mexico is intended and meant to be for the free treatment and care of resident miners of the State of New Mexico, who may become sick or injured in the line of their occupation; and all lodging and medical care shall be free of charge, as shall all other expenses incurred by the patient, except in cases where such patient is possessed of property and means sufficient to enable him to pay the actual costs and charges incurred by his attendance at such hospital, in which case the board of trustees may make provision for his being charged, and paying such expenses incurred.

Provided, however, The said trustees may take in other patients for treatment and care upon the payment of all expenses therefor, by said patients, when the same may be so received and treated without excluding any miners from said hospital.

Mine regulations—Inspector

SECTION 5362. *Appointment.*—[The governor, by and with the advice and consent of the senate, shall appoint an inspector from a list of eligibles secured by examination.]

SEC. 5363. *Qualifications.*—[The appointee must be 30 years of age, a resident for one year next preceding appointment, have had 5 years' experience in coal mines, 3 in New Mexico, and have a practical knowledge of mining operations.]

SEC. 5364 (as amended 1919, ch. 84). *Bond; salary.*—[A bond of $4,000 is required. The salary is $2,400 per annum.]

SEC. 5365. *Duties.*—[The inspector must inspect all mines in the State as often as he thinks necessary, investigate accidents jeopardizing or destroying life, inspect machinery, work places, etc., and indicate changes required to be made for the safe operation of the mines. He is to establish a system of signals; and makes annual reports as to mines in the State, statistics, conditions, etc. He is to be furnished with the necessary office and testing equipment and supplies. Refusal to permit inspection is a misdemeanor.]

ACTS OF 1917

CHAPTER 16.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Scope of law.*—All railway, mining and manufacturing corporations operating in this State shall designate regular days, not more than sixteen days apart, as days fixed for the payment of wages to all employees thereof, paid in this State, and shall post and maintain notices, printed or typewritten, in plain type in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth said days as "pay days." And every such corporation shall pay on each of said days to its employees in lawful money of the United States, or in negotiable bank check, payable on demand, of the date of said day, all wages due said employees up to such pay day, except it may withhold wages for not more than sixteen days' labor due any employee remaining in the service of such corporation.

SEC. 2. *Violations.*—Every such corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $50 nor more than $500 for each offense.

ACTS OF 1919

CHAPTER 85.—*Factory, etc., regulations—Department of public welfare*

SECTION 10 (as amended 1921, ch. 145). *Who to inspect.*—The State department of public welfare shall * * * have power to investigate * * * the effect of localities, employments, and other conditions upon the public health; to inspect public buildings, institutions and premises and industries; * * * to regulate the sanitation of * * * factories, workshops, industrial and labor camps, * * *.

CHAPTER 140—*Employment of labor—Anarchists*

SECTION 1. *What unlawful.*—[It is unlawful for any person to commit or cause any act aimed at the destruction of organized government.]

SEC. 5. *Employers are liable.*—Any person, firm, or corporation employing or having in his employ any person or persons knowing him or them to be actively engaged in advocating, teaching, or encouraging the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than sixty days nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

CHAPTER 153.—*Garnishment of wages*

SECTION 1. *Amount.*—[Not over 20 per cent of the current wages of an employee may be garnished if such wages do not exceed $75 per month. If they exceed $75, in addition to the above, the full amount of such excess may be taken. No exemption is allowed if the debt was incurred for necessaries of life, or if the debtor is not the head of a family, or if he is a head and his family does not reside in the State.]

SEC. 2. *Public employees.*—[Public officials can be summoned as garnishees only where a judgment has been secured against an employee of the State or municipality, school district, etc. Such employees have the exemption rights provided in section 1.]

ACTS OF 1921

CHAPTER 10.—*Company stores*

SECTION 1. *Coercion as to trade.*—It shall be unlawful for any person, firm, or corporation employing labor in this State, or any agent, superintendent, or boss of said person, firm, or corporation, by threat, direct or indirect, or in any other manner, to coerce or compel any employee to buy goods of or trade with any store, business, or commissary, or to discharge or threaten to discharge any employee for failure so to do.

SEC. 2. *Violations.*—[Violations are punishable by fine, $50 to $200, or imprisonment 30 to 90 days, or both.]

CHAPTER 132.—*Protection of employees as voters*

SECTION 1. *Restrictions by employers.*—It shall be unlawful for any employer to make, enforce, or attempt to enforce any order, rule, regulation, or adopt any other device or method to prevent an employee from engaging in political activities, accepting candidacy for nomination or election to, or the holding of political offices, or from holding a position as a member of any political committee, or from soliciting or receiving funds for political purposes, or from acting as a chairman or participating in a political convention, or assuming the conduct of any political campaign.

SEC. 2. *Violations.*—[Violation is a felony, punishable by imprisonment, one to five years. If the offending employer is a corporation, company, etc., the officer or agent responsible for instigating or issuing the forbidden order shall be deemed the principal.]

CHAPTER 150.—*Employment of children—Hours of labor—Age limit*

SECTION 1. *Age.*—[No child under 14 may work in any mine, theater, concert hall, hotel, laundry, factory, workshop, bowling alley, or as an elevator operator, messenger or driver.]

SEC. 2. *School hours.*—[Children under 14 may not be employed in any service whatever during school hours.]

SEC. 3. *Exemptions.*—[The district court may permit the employment of a child under 14 if it is necessary, if the education and physical and moral welfare of the child are fully provided for.]

SEC. 4. *Work time.*—[Children under 16 may not be employed between 9 p. m. and 6 a. m., nor more than 48 hours per week or 8 per day.]

SEC. 5. *Violations.*—[Violations are punishable as misdemeanors, not less than $5 nor more than $100 fine for each offense.]

CHAPTER 180.—*Employment of women—Hours of labor*

SECTION 1. *Work time.*—No female shall be employed in any mechanical establishment, or factory, or laundry, or hotel, or restaurant, cafe or eating house, or in any place of amusement, in this State more than eight hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four hours of any day and mealtime shall not be included as part of the working hours of the day: *Provided, however*, That the provisions of this act shall not apply to females employed in offices, as stenographers, bookkeepers, clerks, or in other clerical work, and not required to do manual labor: *And provided further, however*, That no restrictions as to the hours of labor shall apply to canneries or other establishments engaged in preparing for use perishable goods.

SEC. 2. *Mercantile establishments.*—No female shall be employed in any mercantile establishment except drug stores in this State more than nine hours during any one day except Saturdays, when they may be employed not more than eleven hours, or more than fifty-six hours during any one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day except Saturday and not more than eleven hours during the twenty-four hours of any Saturday, and mealtime shall not be included as a part of the working hours of the day.

SEC. 3. *Express, etc., offices.*—No female shall be employed in this State by any person, firm, or corporation engaged in any express or transportation or public utility business or by any common carrier more than nine hours during any one day or more than fifty-six hours during any one week. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than nine hours during the twenty-four hours of any day and mealtime shall not be included as a part of the working hours of the day.

SEC. 4. *Emergencies.*—Nothing in section 1 of this act shall be construed so as to prevent work in excess of eight hours a day in emergency cases: *Provided*, That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided*, That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

SEC. 5. *Same.*—Nothing in section 2 of this act shall be construed so as to prevent work in excess of nine hours a day on days other than Saturdays, and in excess of eleven hours a day on Saturdays in emergency cases: *Provided*, That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided*, That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

SEC. 6. *Same.*—Nothing in section 3 of this act shall be construed so as to prevent work in excess of nine hours a day in emergency cases: *Provided*, That in no one week of seven days shall there be permitted more than sixty hours of labor: *And provided*, That work in excess of fifty-six hours of labor in any one week shall be paid for on a basis of time and one-half for such excess.

SEC. 7. *Telephone exchanges.*—No female shall be employed in any telephone establishment or office thereof, except telephone establishments where five or less operators are employed and where the average number of calls per hour answered by one operator does not exceed two hundred thirty, more than eight hours in any one day or more than forty-eight hours in any one week where the shift worked is between the hours of 7 o'clock a. m. and 9 o'clock p. m., or more than ten hours in any one day or more than sixty hours in any one week where the shift work is between the hours of 9 o'clock p. m. and 7 o'clock a. m.: *Provided*, That mealtime shall not be included as part of the working hours of that day: *And provided*, That the provisions of this section shall not apply in cases of extreme emergency, resulting from flood, fire, storm, epidemic of sickness, or other like causes.

SEC. 8. *Interstate commerce.*—The provisions of this act shall not apply to any female engaged in interstate commerce where the working hours of any such female so engaged are regulated by any act of Congress of the United States.

SEC. 9. *Violations.*—[Violations of this act entail a fine of $100 to $500 for each offense.]

SEC. 10. *Time book.*—Every employer to whom this act shall apply shall keep a time book or record showing for each day that his establishment is open, the hours during which each and every female in his employ to whom this act applies, is employed. Such time book or record shall be open at all reasonable hours to the inspection of either the district attorney of the district, or the sheriff of the county, wherein the employment took place, record of which is required to be kept as herein provided. The failure or omission to keep such record or a false statement contained therein, shall be punishable on conviction thereof by a fine of not less than twenty-five dollars ($25) nor more than two hundred and fifty dollars ($250) for each offense.

ACTS OF 1923

CHAPTER 37.—*Antitrust law—Labor organizations, etc., exempt*

SECTION 1. *Labor not a commodity; organizations.*—The labor of a human being is not a commodity or article of commerce. No law against monopolies or combinations in restraint of trade shall be held or construed to forbid the existence and operation of labor, agricultural or horticultural organizations, instituted for purposes of mutual help, and not having capital stock or conducted for profit to the organization, or to forbid or restrain individual members of such organizations from lawfully carrying out the objects thereof; nor shall such organizations or the members thereof be held or construed to be illegal combinations or conspiracies in restrain[t] of trade under any law against monopolies or combinations in restraint of trade: *Provided, however*, That nothing herein contained shall be held or construed to justify any restraint of trade or restriction of competition except such as is incident to the protection and promotion of the interests of the members of such organizations, in view of their situation and circumstances; but such organizations and their objects, and the effectuation thereof, shall prima facie be presumed to be in reasonable restraint of trade or restriction of competition.

CHAPTER 148.—*Employment of children—School attendance*

SECTION 1203. *Attendance required.*—[School attendance up to age 16 is required, except for unfitness, distance, etc.]

SEC. 1204. *Exemptions.*—[Children 14 years of age may be excused from attendance by a certificate of age, etc., on assurance of immediate employment in some gainful occupation.]

SEC. 1206. *Hours.*—[If work hours are fixed by law, attendance at a part-time school or class shall be counted as a part thereof.]

SEC. 1209. *Unlawful employment.*—[Employers of children under 16 must conform to the provisions of this act, and must permit attendance on a part-time school if there is one in the district.]

NEW YORK

CONSTITUTION

ARTICLE 1.—*Labor organizations—Provisions of constitution—Compensation for injuries*

SECTION 19 (adopted 1913). *Safety laws.*—Nothing contained in this constitution shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees; or for the payment, either by employers, or by employers and employees or otherwise, either directly or through a State or other system of insurance or otherwise, of compensation for injuries to employees or for death of employees resulting from such injuries without regard to fault as a cause thereof, except where the injury is occasioned by the willful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty; or for the adjustment, determination and settlement, with or without trial by jury, of issues which may arise under such legislation; or to provide that the right of such compensation, and the remedy therefor shall be exclusive of all other rights and remedies for injuries to employees or for death resulting from such injuries; or to provide that the amount of such compensation for death shall not exceed a fixed or determinable sum: *Provided*, That all moneys paid by an employer to his employees or their legal representatives, by reason of the enactment of any of the laws herein authorized, shall be held to be a proper charge in the cost of operating the business of the employer.

ARTICLE 12.—*Employment of labor on public works*

SECTION 1 (as amended 1905). *Power to fix wages, hours of labor, etc.*— * * * the legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provision for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State, or for any county, city, town, village, or other civil division thereof.

CONSOLIDATED LAWS—1909

CHAPTER 3.—*Labor organizations—Joint corporations*

SECTION 7. *Unions may unite to form corporation.*— * * * any number of trades-unions, trades assemblies, trades associations or labor organizations, * * * may unite in forming a corporation for the purpose of acquiring, constructing, maintaining, and managing a hall, temple or other building, or a home for the aged and indigent members of such order and their dependent widows and orphans, and of creating, collecting, and maintaining a library for the use of the bodies uniting to form such corporation. * * *

CHAPTER 12.—*Wages as preferred claims—In assignments*

SECTION 22 (as amended 1914, ch. 360). *Amount.*—[Wages or salaries owing for services rendered within three months prior to an assignment are preferred before any other debt, not exceeding $300 to each employee.]

CHAPTER 16.—*Employment of children—School attendance*

SECTION 621 (as amended 1921, ch. 386). *Age.*—[Attendance is required up to 14 years of age, and if not regularly and lawfully employed, to 16.]

SEC. 626 (as amended 1921, ch. 386). *Certificates, newsboys.*—[Certificates are required for the employment of children under 16 years of age (under 17 in cities of 5,000 or more population, after September 1, 1925). No boy under 12 or girl under 16 may be employed in the sale or distribution of newspapers or periodicals; boys under 16 must have permit badges of current validity, and may not serve between 8 p. m. and 6 a. m. Employment of children over 12

when school attendance is not required is not affected by this section so far as farm work or work not connected with a factory or other employment specified in section 130 of the labor law is concerned.]

Sec. 627 (as amended 1922, ch. 464). *Files.*—[Employment certificates must be kept on file by the employer and returned to the child or to the issuing officer when the employment terminates.]

Sec. 628 (as amended 1922, ch. 464). *Violations.*—[Penalties for violations run against both the employer and the parent or guardian. Attendance officers are charged with the enforcement of the act.]

Sec. 631 (as amended 1922, ch. 464). *Issue of certificates.*—[General employment certificates, unless for agricultural work only, are valid for employment only by the person named therein. Vacation and agricultural certificates are valid for successive employments. Girls under 18 may not deliver messages or articles of any kind outside the place of their employment.

School officials issue employment certificates on application of the parent or custodian of the child, on a showing of age, literacy, and an examination showing physical fitness. If documentary evidence of age is not obtainable, a physician's certificate will be accepted.]

Sec. 633. *Enforcement.*—[Truant officers may enter any place of employment and examine registers of children employed therein.]

Secs. 640–648 (added 1921, ch. 21). *Employment of children in street trades.*—[These sections provide regulations for the employment of children in street trades, in the main similar to those embodied in secs. 626, 628 and 630, as amended by ch. 386, Acts of 1921. This latter act is of a later date, and while it does not in terms repeal chapter 21, it seems to be the act that controls. The provisions of secs. 640–648 are therefore omitted.]

Chapter 20 (as amended 1910, ch. 700).—*Private employment offices*

Article II

Section 170. *Scope.*—[Teachers', nurses' and technical agencies are not governed by this act, nor domestic and commercial agencies in cities of the third class.]

Sec. 172. *License.*—[A license for the conduct of an agency must be procured from the mayor or commissioner of licenses of the locality, and this must be kept posted.]

Sec. 173. *Application.*—[Applicants must set forth the proposed place of business, whether a separate lodging house is to be maintained in connection therewith, the business of the applicant for two years past, and must present two affidavits of good moral character.]

Sec. 174. *Investigation.*—[The official receiving the application must post it in his office, must investigate the character and responsibility of the applicant, and grant hearings in case any protest is properly submitted against the granting of the license. No agency may be conducted in rooms where people live, board or lodge.]

Sec. 175. *Contents.*—[Licenses must give the name and place of business of the licensee, and will protect no other.]

Sec. 176. *Transfers.*—[Licenses may be transferred only with the consent of the issuing official. The same rule applies to change of location.]

Sec. 177. *Fee; bond.*—[The fee for a license is fixed at $25 annually. A bond in the sum of $1,000 is also required for the observance of the law and to meet obligations for damages through fraud or unlawful acts.]

Sec. 179. *Register.*—[Registers must be kept of applicants for positions, showing name and address, fee received, and names and addresses of former employers if possible; also a register of applicants for help, showing name and address, kind of help requested, whom sent, wages to be paid and fee received. If possible, references must be procured and kept on file for persons applying for work in private families, or in a fiduciary capacity.]

Secs. 180, 183 (as amended 1916, ch. 587). [These sections relate to theatrical agencies and engagements.]

Sec. 181. *Statements to be furnished.*—[Every person applying for domestic or commercial employment must be given a card showing the name of the holder, the name and address of the prospective employer, kind of work, wages, term of employment if known, cost of transportation if outside city, etc.]

Sec. 182. *Interference; outside employments.*—[No agent may induce an employee to leave service with a view to placing him through his agency. A re-

port must be made to the licensing authority of the particulars of employment, travel, etc., if applicants are sent outside the city; also a copy to the applicant.]

Sec. 184. *Inspection.*—[Registers, etc., must be open to official inspection.]

Sec. 185 (as amended 1916, ch. 587). *Fees.*—[Fees for domestic service and labor generally may not exceed 10 per cent of the first month's wages. Dividing fees is forbidden. Violations are punishable by fine, $25 to $250, or imprisonment to one year, or both; also revocation of license.]

Sec. 186. *Return of fee.*—[If position is not obtained or help secured, the fee paid must, on demand, be repaid in full. If service has been given but the employee is discharged or fails to remain, the amount returnable is three-fifths of the fee; or further service may be rendered, at the party's option. Orders on which applicants are sent out must be bona fide.]

Sec. 187. *Receipts.*—[Applicants paying a fee must be given a receipt showing amount, purpose, names and date.]

Sec. 188. *Law to be posted.*—[Specified sections of the law must be posted in the agency, in languages that patrons can understand.]

Sec. 189. *False statements, etc.*—[False advertising, misrepresentation, etc., are forbidden.]

Sec. 190. *Acts prohibited.*—[The sending of persons, male or female, to places of bad repute or immoral resorts, gambling houses, etc., is forbidden. Persons of bad character may not be allowed to frequent any agency. Children may not be offered employment in violation of law.]

Sec. 191 (as amended 1912, ch. 261).—*Enforcement.*—[Enforcement rests with the licensing official, i. e., the mayor or the commissioner of licenses, as the case may be. These officers hear complaints, render decisions, and may revoke licenses for cause. Court review may be had.]

Chapter 23.—*Wages as preferred claims—In receiverships of corporations*

Section 24-a (added 1921, ch. 22). *Rank.*—[The wages of employees of a corporation other than a moneyed corporation are preferred to every other debt or claim in case of the appointment of a receiver for such corporation.]

Chapter 28.—*Group life insurance*

Sections 101-a to 101-d (added by ch. 192, Acts of 1918; amended 1924, ch. 549). *Definition: provisions of policies.*—[Group life insurance means insurance covering not less than 50 employees under a policy issued to the employer, the premium being paid by the employer or by the employer and employees jointly, insuring part or all of the employees of such employer, with or without medical examination; similar insurance may be issued to one or more companies or other units of the National Guard. The form of policy must be approved by the State superintendent of insurance and must provide against contests and misrepresentation; for individual certificates to each employee stating the terms, amounts, etc.; and a provision for the admission of new employees eligible in the group or class covered by the insurance. Policies and proceeds thereunder are exempt from attachment, garnishment, or other process, nor may the proceeds be made a part of the estate of the employee for the payment of his debts.]

Chapter 28.—*Employees' mutual benefit associations*

Sections 221-228 (added 1924, ch. 548). *Organization, membership, etc.*—[Five hundred or more employees of any manufacturing or industrial corporation having at least 3,000 employees may organize a voluntary mutual benefit association by filing with the superintendent of insurance a declaration of their intent so to do. This must be signed by two provisional officers of the organization and accompanied by a certified copy of the properly adopted constitution or by-laws. Associations may not be formed unless the employer agrees to contribute at least 20 per cent of the total benefits to be paid. All employees 18 years of age and over must be eligible for membership. Benefits may cover sickness, disability, or death, the minimum death benefit to be $500. Provision is made for the maintenance of a surplus or other similar fund. Stated periodical contributions must be made in accordance with approved actuarial standards. Officials shall not be individually liable for the obligations assumed by the association. Benefits are exempt from attachment, garnishment, etc.; annual reports are required to the superintendent of insurance.]

CHAPTER 31 (as amended 1921, ch. 50).—*Labor law*

ARTICLE I

SECTION 1. *Title.*—This chapter shall be known as the "Labor Law."

SEC. 2 (as amended 1924, ch. 489). *Definitions.*—Whenever used in this chapter:

1. "Department" means the department of labor of the State of New York.

2. "Commissioner" means the industrial commissioner of the State of New York.

3. "Board" means the industrial board of the State of New York.

4. "Rule" means any rule or regulation made by the industrial board and any amendment or repeal thereof.

5. "Employee" means a mechanic, workingman, or laborer working for another for hire.

6. "Employer" means the person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman, or other subordinate.

7. "Employed" includes permitted or suffered to work.

8. "Person" includes a corporation or a joint-stock association.

9. "Factory" includes a mill, workshop, or other manufacturing establishment, and all buildings, sheds, structures, or other places used for or in connection therewith, where one or more persons are employed at manufacturing, including making, altering, repairing, finishing, bottling, canning, cleaning, or laundering any article or thing, in whole or in part, except (a) dry dock plants engaged in making repairs to ships, and (b) power houses, generating plants, and other structures owned or operated by a public service corporation, other than construction or repair shops, subject to the jurisdiction of the public service commission. The provisions of this chapter affecting structural changes and alterations, shall not apply to factories or to any buildings, sheds, or other places used for or in connection therewith where less than six persons are employed at manufacturing, except as otherwise prescribed by the rules; nor shall the provisions of this chapter prohibiting the employment of women over twenty-one as proof readers at certain hours apply to newspaper publishing establishments, linotypists, and monotypists.

10. "Factory building" means a building, shed, or structure which, or any part of which, is occupied by or used for a factory, and in which at least one-tenth or more than twenty-five of all the persons employed in the building are engaged in work for a factory, but shall not include a building used exclusively for dwelling purposes above the first story. The provisions of this chapter shall, so far as prescribed by the rules, also apply to a building, not a factory building, any part of which is occupied or used for a factory.

11. "Mercantile establishment" means a place where one or more persons are employed in which goods, wares, or merchandise are offered for sale, and includes a building, shed, or structure, or any part thereof, occupied in connection with such establishment. The provisions of this chapter affecting structural changes and alterations shall not apply to mercantile establishments where less than six persons are employed except as otherwise prescribed by the rules.

SEC. 3. *Prohibited employment.*—Whenever the provisions of this chapter prohibit the employment of a person in certain work or under certain conditions the employer shall not permit such person to so work, with or without compensation, and in a prosecution or action therefor lack of consent by the employer shall be no defense.

SEC. 4. *Work for a factory.*—Work shall be deemed to be done for a factory whenever it is done at any place upon the work of a factory or upon any of the materials entering into the product of the factory, whether under contract or arrangement with any person in charge of or connected with such factory directly or indirectly through one or more contractors or other third person.

ARTICLE II

SECTION 10. *Department of labor.*—The department of labor is continued. The head of the department shall be the industrial commissioner. The industrial commissioner shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of the commissioner shall be four years, except that the term of the commissioner first appointed hereunder shall expire January first, nineteen hundred and twenty-five.

Sec. 10-a (added 1924, ch. 464). *Industrial council.*—1. To advise the commissioner, there shall be an industrial council composed of 10 members appointed by the governor. Five members of the council shall be persons known to represent the interests of employees and five shall be persons known to represent the interests of employers. The governor may remove any member of the council when such member ceases to represent the interests in whose behalf he was appointed.

2. The commissioner shall be an additional member of such council and act as chairman thereof. The chairman of the industrial board shall also be an additional member of such council and shall be vice chairman thereof, to act in the absence of the commissioner. The commissioner shall designate an employee of the department to act as secretary to the council and shall detail from time to time to the assistance of the council such employees as may be necessary.

3. The members of the council shall be entitled to compensation at the rate of not exceeding ten dollars per day for each meeting attended by them, or each day actually spent in the work of the council. They shall also be paid their reasonable and necessary traveling and other expenses while engaged in the performance of their duties.

4. The council shall (*a*) consider all matters submitted to it by the industrial commissioner and advise him with respect thereto; (*b*) on its own initiative recommend to the commissioner such changes of admnistration as, after consideration, may be deemed important and necessary; (*c*) cooperate with the civil service commission in conducting examinations and in preparing lists of eligibles for positions, the duties of which require special knowledge or training, and advise the commissioner in the selection and appointment of employees to such positions.

5. The council shall adopt rules and regulations to govern its own proceedings. The secretary shall keep a complete record of all its proceedings which shall show the names of the members present at each meeting and every matter submitted to the council by the commissioner and the action of the council thereon. The record shall be filed in the office of the department. All records and other documents of the department shall be subject to inspection by the members of the council.

6. The duties and powers of the council shall not extend to any matters affecting the administration of the State insurance fund.

Sec. 11. *Deputy commissioner.*—There shall be a deputy commissioner, who shall be appointed by and removed at the pleasure of the commissioner.

Sec. 12. *Industrial board.*—There shall be in the department an industrial board consisting of three members. The members of such board shall be appointed by the governor, by and with the advice and consent of the senate, one of whom shall be designated by the governor as chairman. Upon the appointment of a successor to the chairman, the governor shall designate such successor or other member of the board as chairman. The term of office of a member of such board shall be six years, except that the terms of the members first appointed shall expire, one on January first, nineteen hundred and twenty-three, one on January first, nineteen hundred and twenty-five, and one on January first, nineteen hundred and twenty-seven.

Sec. 13. *Oaths.*—The industrial commissioner, members of the industrial board and the deputy commissioner shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office. Such oaths shall be filed in the office of the secretary of state.

Sec. 14. *Offices.*—The principal office of the department shall be in the city of Albany in rooms designated by the trustees of public buildings as provided by law. There shall be a branch office in the city of New York and in such other cities of the State as the commissioner may determine.

Sec. 15. *Seal.*—The commissioner may adopt a seal of the department and require that it be used for the authentication of orders and proceedings and for such other purpose as he may prescribe.

Sec. 16. *Vacancies and removals.*—If a vacancy occurs otherwise than by expiration of term in the office of the commissioner or of a member of the industrial board, it shall be filled by appointment for the unexpired term. The governor may remove the commissioner or a member of the industrial board for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges and an opportunity of being publicly heard in person or by counsel on not less than ten day's notice. If a commissioner or a member of

the industrial board be removed the governor shall file with the secretary of state a record of his proceedings in respect of such removal and his findings thereon.

Sec. 17. *Salaries and expenses.*—The commissioner and members of the industrial board shall devote their entire time to the duties of their respective offices. The commissioner shall receive an annual salary of eight thousand dollars; each member of the industrial board shall receive an annual salary of eight thousand dollars; and the deputy commissioner shall receive an annual salary of seven thousand dollars. The reasonable and necessary expenses of the department and the reasonable and necessary traveling and other expenses of the commissioner, deputy commissioner, members of the industrial board and other officers and employees of the department, while actually engaged in the performance of their duties, outside of the city of Albany, or if any such officer or employee be in charge or actually employed at a branch office of the department, the reasonable and necessary traveling and other expenses outside of the place in which such branch office is located, shall be paid by the State treasurer upon the audit of the comptroller, upon vouchers approved by the commissioner.

Sec. 18 (as amended 1921, ch. 642). *Employees.*—The officers, deputy commissioners, and employees of the department of labor in office when this section takes effect shall continue in office subject to the power of removal or the appointment of their successors as provided in this chapter. There shall be in such department and the commissioner may appoint such heads of divisions or bureaus and such inspectors, investigators, statisticians, and other assistants and employees as he shall deem necessary for the exercise of the powers and the performance of the duties of the department. The commissioner, notwithstanding the provisions of any other general or special law, saving and excepting the provisions of section twenty-two of the civil service law, may transfer officers or employees from their positions to other positions in the department, or abolish or consolidate such positions and may remove any officer or employee in the department.

Sec. 18-a (added 1923, ch. 884). *Inspectors.*—The inspectors shall be divided into six grades. Inspectors of the first grade shall each receive an annual salary of one thousand six hundred and eighty dollars; inspectors of the second grade shall each receive an annual salary of one thousand eight hundred dollars; inspectors of the third grade shall each receive an annual salary of one thousand nine hundred and twenty dollars; inspectors of the fourth grade shall each receive an annual salary of two thousand one hundred dollars; inspectors of the fifth grade shall each receive an annual salary of two thousand two hundred and twenty dollars; inspectors of the sixth grade shall each receive an annual salary of two thousand four hundred dollars.

[Annual promotions are provided for, from grade to grade.]

Supervising inspectors shall each receive an annual salary of three thousand five hundred dollars.

Sec. 19 (as amended 1921, ch. 642). *Referees.*—The commissioner shall appoint as many persons as may be necessary to be referees to perform the duties prescribed by this section. A referee shall devote his entire time to the duties of his office and shall receive an annual salary to be fixed by the commissioner within the appropriation made therefor. It shall be the duty of a referee, under rules adopted by the industrial board, to hear and determine claims for compensation, and to conduct such hearings and investigations and to make such orders, decisions and determinations as may be required by any general or special rule or order of the industrial board, under the workmen's compensation law pursuant to the provisions of such law. The decision of a referee on such a claim shall be deemed the decision of the industrial board from the date of the filing thereof in the department unless the industrial board, on its own motion or on application duly made to it, modify or rescind such decision.

Sec. 20. *Bureaus.*—Existing divisions or bureaus in the department shall continue until changed, consolidated or abolished pursuant to this section. The commissioner may establish such divisions or bureaus as may be necessary for the administration and operation of the department, under this chapter, and may change, consolidate or abolish divisions or bureaus. Each division and bureau shall be subject to the supervision and direction of the commissioner, and shall have jurisdiction of such matters, exercise such powers and perform such duties as may be assigned to it by the commissioner.

Sec. 20-a (added 1923, ch. 607). *Women's bureau.*—There shall be a bureau of women in industry, in charge of a chief of the bureau with not less than six

investigators, all of whom shall be women, and at least one of whom shall be a physician, duly licensed to practice medicine in the State of New York, or trained in public health work.

2. The bureau shall have such divisions as the commissioner may determine.

3. The bureau shall investigate and report concerning the conditions of employment of women and minors in industry, and shall make recommendations to the commissioner not less than once a year for the betterment of such working conditions by appropriate legislation or otherwise, which recommendations shall be transmitted to the legislature by the commissioner as part of his annual report.

Sec. 21 (as amended, 1921, ch. 642). *Duties of commissioner.*—The commissioner shall be the administrative head of the department.

The commissioner:

1. Shall enforce all the provisions of this chapter and of the industrial code, except as in this chapter otherwise provided;

2. Shall exercise the powers and perform the duties in relation to the administration of the workmen's compensation law heretofore vested in the industrial commission by chapter six hundred and seventy-four of the laws of nineteen hundred and fifteen, except in so far as such powers and duties are vested by this chapter in the industrial board;

3. Shall cause proper inspections to be made of all matters prescribed by this chapter or by the industrial code;

4. Shall cause investigations to be made of the condition of women in industry;

5. Shall inquire into the cause of all strikes, lockouts, and other industrial controversies, and endeavor to effect an amicable settlement thereof, and may create within the department a board to which a controversy between an employer and his employees may be submitted for mediation and arbitration;

6. Shall propose to the industrial board such rules or such changes in such rules as he may deem advisable;

7. May provide for the establishment and maintenance of public employment offices for the purpose of securing employment for men, women, and children;

8. May make investigations, collect and compile statistical information and report upon the conditions of labor generally and upon all matters relating to the enforcement and effect of the provisions of this chapter and of the rules thereunder;

9. May enforce any lawful municipal ordinance, by-law or regulation relating to any place affected by the provisions of this chapter, not in conflict with the provisions of this chapter or of the industrial code;

10. May investigate the condition of aliens relative to their employment in industry.

Sec. 22. *Review.*—The commissioner may sit with the industrial board in the consideration of any matter except reviews under the provisions of the workmen's compensation law; but shall not have a vote upon any such matter. He shall be the custodian of the records of the board.

Sec. 23. *Regulations.*—The commissioner may make, amend, and repeal regulations necessary for the internal administration of the department, and not in conflict with the rules adopted by the industrial board pursuant to this chapter for the enforcement of the labor law. Such regulations shall not be deemed rules within the meaning of this chapter unless the context otherwise requires.

Sec. 24. *Delegation of powers.*—The commissioner may by order filed in the department delegate any of its powers to or direct any of his duties to be performed by the deputy commissioner or a head of a division or bureau of such department.

Sec. 25. *Inspection.*—The commissioner or the officers and employees of the department shall inspect every place which is, or which they have reasonable cause to believe is, affected by the provisions of this chapter, and they may in the discharge of their duties enter any such places.

Sec. 26. *Books and papers.*—All papers, books, records, or other documents required to be kept by the provisions of this chapter or of the workmen's compensation law or of the industrial code shall at all times be open for the inspection of the commissioner and the officers and employees of the department, and the person in charge thereof shall afford every reasonable facility for their examination and permit copies to be made when required by the commissioner.

SEC. 27 (as amended 1921, ch. 642). *Powers of industrial board.*—The industrial board shall have power to make, amend, and repeal rules for carrying into effect the provisions of this chapter, applying such provisions to specific conditions and prescribing means, methods, and practices to effectuate such provisions. It shall have power to hear and determine all claims for compensation under the workmen's compensation law in the manner provided by this chapter or the workmen's compensation law; to require medical service for injured employees as provided by the workmen's compensation law; to approve claims for medical service or attorney's fees, to excuse failure to give notice either of injury or death of an employee, to approve agreements, to modify or rescind awards, to make conclusions of fact and rulings of law, to certify questions to the appellate division of the supreme court, to enter orders in appealed cases, to determine the time for the payment of compensation, to order the reimbursement of employers for amounts advanced, to assess penalties, to commute awards, to compromise actions for the collection of awards, to require or permit employers to deposit the present value of awards in the aggregate trust fund of the State fund, to determine by rules the assignment of a minor's right to sue a third party, to require guardianship for minor dependents, to hear and determine claims under the occupational disease act, to order physical examinations, to take testimony by depositions; and to have and exercise all other powers and duties, exclusive of purely administrative functions, originally conferred or imposed upon the workmen's compensation commission by the workmen's compensation law or any other statute, and by chapter six hundred and seventy-four of the laws of nineteen hundred and fifteen conferred and imposed upon the State industrial commission. For the purpose of exercising such powers and performing such duties, the industrial board shall be deemed to be a continuation of the State industrial commission; and all proceedings under the workmen's compensation law pending before such commission are hereby transferred to the industrial board without prejudice to the rights of any party to such proceeding. Any hearing, inquiry, or investigation required or authorized to be conducted or made by the industrial board may be conducted or made by any individual member thereof, and the order, decision, or determination of such member shall be deemed the order, decision, or determination of the board from the date of the filing thereof in the department, unless the board on its own motion or on application duly made to it modify or rescind such order, decision, or determination.

SEC. 28. *Rules.*—Rules of the industrial board may be made for—

1. The proper sanitation in all places to which this chapter applies and for guarding against and minimizing fire hazards, personal injuries and diseases in all places to which this chapter applies with respect to:

a. The construction, alteration, equipment and maintenance of all such places, including the conversion of structures into factories, factory buildings, and mercantile establishments;

b. The arrangement and guarding of machinery and the storing and keeping of property and articles;

c. The places where and the methods and operation by which trades and occupations may be conducted and the conduct of employers, employees and other persons;

It being the policy and intent of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health, and safety of all persons employed therein and frequenting the same, and that the board shall from time to time make such rules as will effectuate such policy and intent.

2. Whenever the board finds that any industry, trade, occupation, or process involves such elements of danger to the lives, health, or safety of persons employed therein as to require special regulation for the protection of such persons, the board may make special rules to guard against such elements of danger by establishing requirements as to temperature, humidity, the removal of dusts, gases or fumes, by requiring licenses to be applied for and issued by the department as a condition of carrying on any such industry, trade, occupation, or process, by requiring medical inspection and supervision of persons employed or applying for employment, and by other appropriate means.

3. The rules may be limited in their application to certain classes of establishments, places of employment, machines, apparatus, articles, processes, industries, trades or occupations, or may apply only to those to be constructed, established, installed, or provided in the future.

4. The rules of the board shall have the force and effect of law and shall be enforced in the same manner as the provisions of this chapter.

5. No provision of this chapter specifically conferring powers on the board to make rules shall limit the power conferred by this section.

Sec. 29. *Industrial code.*—The rules of the board shall constitute the industrial code, and, until amended or repealed, the rules of the industrial commission continued in force by this chapter shall constitute the industrial code and be deemed to have been adopted or made by the industrial board for the purposes in such rules provided. At least two affirmative votes shall be necessary for the adoption, amendment or repeal of any rule. Before any rule is adopted, amended or repealed there shall be a public hearing thereon, notice of which shall be published at least once, not less than ten days prior thereto, in such newspaper or newspapers as the board may prescribe, and where it affects premises in the city of New York in the City Record of the city of New York. The commissioner may appoint committees composed of employers, employees, and experts to suggest rules or changes therein. Every rule adopted and every amendment or repeal thereof shall be promptly published in the bulletins of the department and where it affects premises in the city of New York in the City Record in the city of New York. The rules and all amendments and repeals thereof shall, unless otherwise prescribed by the board, take effect twenty days after the first publication thereof and certified copies thereof shall be filed with the secretary of state.

Sec. 30. *Variations.*—If there shall be practical difficulties or unnecessary hardship in carrying out a provision of this chapter or a rule of the board thereunder affecting the construction or alteration of buildings, exits therefrom, the installation of fixtures and apparatus, or of the safeguarding of machinery and prevention of accidents, the board may make a variation from such requirements if the spirit of the provision or rule shall be observed and public safety secured. Any person affected by such provision or rule, or his agent, may petition the board for such variation stating the grounds therefor. The board shall fix a day for a hearing on such petition and give notice thereof to the petitioner. If the board shall permit such variation it shall be in the form of a resolution adopted by at least two votes, and the variation shall apply to all buildings, installations or conditions where the facts are substantially the same as those stated in the petition. The resolution shall describe the conditions under which the variation shall be permitted and shall be published in the bulletin of the department. Where the variation affects premises or conditions in the city of New York it shall also be published in the City Record of New York City. A properly indexed record of all variations shall be kept in the office of the department and open to public inspection.

Sec. 31. *Information to be given.*—The owner, operator, manager or lessee of any place affected by the provisions of this chapter, or his agent, superintendent, subordinate or employee, and any person employing or directing any labor affected by such provision shall, when requested by the commission or board, furnish any information in his possession or under his control which the commissioner or board is authorized to require; shall answer truthfully all questions authorized to be put to him; shall admit the commissioner, a deputy commissioner, or other officer or employee of the department to any place which is affected by the provisions of this chapter for the purpose of making inspection or enforcing the provisions thereof and the industrial code and shall render assistance necessary for a proper inspection.

Sec. 32. *Obstructions of officers.*—No person shall interfere with, obstruct or otherwise hinder any officer or employee of the department in the performance of his duties.

Sec. 33. *Notice.*—Whenever the commissioner or board or any person affected by the provisions of this chapter is required to give notice in writing to any person, such notice may be given by mailing it in a letter addressed to such person at his last known place of business or by delivering it to him personally. Notice to a partnership may be given to any of the partners and notice to a corporation may be given to any officer or agent thereof upon whom a summons may be served as provided by the Code of Civil Procedure. Whenever an order or demand of the department is required to be served it shall be served in the manner hereinbefore provided for the service of a notice or by delivering it to any person of suitable age and discretion in charge of the premises affected by such order, or if no person is found in charge by affixing a copy thereof conspicuously upon the premises.

Sec. 34. *Record of licenses.*—The department shall keep records of all licenses, permits or certificates issued, revoked or amended by it and publish lists thereof at such times and in such forms as it may determine.

Sec. 35. *Report.*—The commissioner shall make an annual report of the department to the legislature on or before the first day of February.

Sec. 36. *Old records.*—All statistics and other documentary matter filed with the department may be destroyed by the commissioner after the expiration of six years from the filing thereof.

Sec. 37. *Process.*—All notices or orders shall be given by and in the name of the department by the commissioner, by the industrial board or a member thereof, or by the deputy commissioner or other officer or employee thereunto duly authorized.

Sec. 38. *Oaths.*—The commissioner, a member of the industrial board, the deputy commissioner, a referee, and any other officer or employee of the department if duly authorized by the commissioner, may administer oaths and take affidavits in matters relating to the provisions of this chapter and the workmen's compensation law.

Sec. 39. *Hearings.*—The commissioner, the members of the industrial board, the deputy commissioner, and referee shall have power:

1. To issue subpœnas for and compel the attendance of witnesses and the production of books, contracts, papers, documents, and other evidence;

2. To hear testimony and take or cause to be taken depositions of witnesses residing within or without this State in the manner prescribed by law for like depositions in civil actions in the supreme court. Subpœnas and commissions to take testimony shall be issued under the seal of the department.

Sec. 40. *Proceedings.*—Any investigation, inquiry, or hearing which the commissioner or board has power to undertake or to hold may by special authorization be undertaken or held by or before any of the officers of the department, and any decision rendered on such investigation, inquiry, or hearing, when approved and confirmed by the commissioner or board and ordered filed in the office, shall be the order of the department.

Sec. 41. *Rules for hearings.*—The commissioner and the board shall not be bound by technical rules of evidence and shall conduct all hearings according to procedure prescribed by them respectively.

Article III

Section 110 (as amended 1921, ch. 642). *Review by industrial board.*—1. Any person in interest, or his duly authorized agent, may petition the industrial board for a review of the validity or reasonableness of any rule or order made under the provisions of this chapter.

2. The petition shall be verified, shall be filed with the commissioner and shall state the rule or order proposed to be reviewed and in what respects it is claimed to be invalid or unreasonable. Any objections to the rule or order not raised in the petition shall be deemed waived. The board may join in one proceeding all petitions alleging invalidity or unreasonableness of substantially similar rules or orders. The filing of such petition shall operate to stay all proceedings under such rule or order until the determination of such review.

3. The board shall order a hearing, if necessary, to determine the issues raised, or if the issues have been considered in a prior proceeding the board may without hearing confirm its previous determination. Notice of the time and place of hearing shall be given to the petitioner and to such other persons as the board may determine.

4. If the board finds that the rule or order is invalid or unreasonable it shall revoke or amend the same.

5. The decision of the board shall be final, unless within thirty days after it is filed one of the parties commences an action as provided in section one hundred and eleven.

Sec. 111. *By courts.*—1. Any person in interest may bring an action in the supreme court against the department to determine the validity and reasonableness of any provisions of this chapter or of the rules made in pursuance thereof or of any order directing compliance therewith: *Provided*, That no such action to determine the validity and reasonableness of any rule or order shall be brought except as an appeal from the determination of the board as provided in section one hundred and ten.

2. If the action is an appeal from a determination of the board it shall file with the clerk of the court a certified copy of the record of its hearings in the matter.

3. The court may refer any issue arising in such action to the board for further consideration. At any time during such action the party appealing may apply to the court without notice for an order directing any question of fact arising upon any issue to be tried and determined by a jury, and the court shall thereupon cause such question to be stated for trial accordingly and the findings of the jury upon such question shall be conclusive. Appeals may be taken from the supreme court to the appellate division of the supreme court and to the court of appeals in such cases, subject to the limitations provided in the Code of Civil Procedure.

Sec. 112. *Validity.*—1. Every provision of this chapter and of the rules made in pursuance thereof, and every order directing compliance therewith, shall be valid, unless declared invalid in a proceeding brought under the provisions of section one hundred and ten. Except as provided in section one hundred and eleven, no court shall have jurisdiction to review or annul any such provision or order or to restrain or interfere with its enforcement.

2. Every such provision, rule, or order shall in a prosecution or action to impose a penalty for its violation be deemed valid unless prior thereto such provision, rule, or order has been revoked or modified by the board or annulled by a court pursuant to section one hundred and ten and one hundred and eleven, or unless such proceeding is pending, in which case the prosecution or action shall be stayed by the court pending the final determination thereof. If any such prosecution or action is commenced against a defendant who has not previously been served with an order to comply with such provision, or who has been served with such an order but has not had a reasonable opportunity to comply therewith, and if within five days the defendant commences proceedings under the provisions of sections one hundred and ten and one hundred and eleven, the prosecution or action shall be stayed as if such proceeding were pending at the time it was commenced.

Article IV

Section 130 (as amended 1921, ch. 386). *Age limit for children.*—[No child under 14 may be employed in or about a factory, mercantile establishment, office, hotel, restaurant, theater, bowling alley, barber shop, as messenger, bootblack, delivery boy or in the sale of articles.]

Sec. 131 (as amended 1921, ch. 386). *Certificates.*—[Children under 16 employed in the establishments named above must have employment certificates on file.]

Sec. 144 (as amended 1921, ch. 386). *Children apparently under 16.*—[Proof of age may be demanded in case of any employed child apparently under 16, or his discharge required.]

Sec. 145 (as amended 1921, ch. 386). *Physical examinations.*—[Whenever required by a medical inspector of the department of labor, an employed child between 14 and 16 must submit to an examination, of which a record shall be kept. If found unfit for employment, his certificate may be canceled.]

Sec. 146 (as amended 1921, ch. 642). *Dangerous, etc., employments.*—[This section forbids employment up to 16 years of age in a list of dangerous employments. For a similar list see the Delaware Code, secs. 3145, 3148. This section continues]:

3. No female under sixteen years of age shall be employed in any capacity which compels constant standing.

4. No male under sixteen years of age shall be employed to have the care, custody, or operation of a freight or passenger elevator. No male under eighteen years of age shall be employed to have the care, custody, or operation of such elevator running at a speed of over two hundred feet a minute.

5. No female under eighteen years of age shall be employed to have the care, custody, or operation of a freight or passenger elevator.

6. No male under sixteen years of age nor any female shall be employed in or in connection with a mine or quarry.

7. No male under eighteen years of age nor any female under twenty-one years of age shall be employed or directed to clean machinery while it is in motion.

8. No male under eighteen years of age, nor any female shall be employed in operating or using any emery, tripoli, rouge, corundum, stone, carborundum, or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or iridium are manufactured: *Provided, however*, That females

more than twenty-one years of age may be employed in operating such wheels for wet grinding under conditions specified by the industrial board in its rules.

9. No female under twenty-one years of age shall be employed as a conductor or guard on any street, surface, electric, subway, or elevated railroad.

10. No female under twenty-one years of age shall be employed as messenger for a telegraph or messenger company in distributing, transmitting, or delivering goods or messages.

11. In addition to the cases provided for in the foregoing subdivisions, the board when it finds upon investigation that any particular trade, process of manufacture, occupation, or method of carrying on the same is dangerous or injurious to the health of minors under eighteen years may adopt rules prohibiting or regulating the employment of such minors therein.

Sec. 147. *Core making.*—No female shall be employed in a foundry at or in connection with the making of cores where an oven in which the cores are baked is in operation in the same room or space in which the cores are made. A partition separating the oven from the space where the cores are made shall not be sufficient, unless the partition extends from floor to ceiling and is so constructed and the openings therein so protected that gases and fumes from the core oven will not enter the space in which women are employed. The board may adopt rules regulating the construction, equipment, maintenance, and operation of core rooms and the size and weight of cores that may be handled by women.

Sec. 148. *Childbirth.*—No owner, manager, foreman, or other person in authority in a factory or mercantile establishment shall knowingly employ a female, or permit her to be employed therein, within four weeks after she has given birth to a child.

Sec. 149. *Physical examinations.*—Whenever an employer shall require a physical examination of a female by a physician or a surgeon she shall be entitled to have the examination made by one of her sex or to have another female present if a male physician or surgeon makes the examination. The employer requiring the examination shall post a notice informing the party to be examined of her rights under this section.

Sec. 150. *Seats.*—A sufficient number of suitable seats, with backs where practicable, shall be provided and maintained in every factory, mercantile establishment, freight or passenger elevator, hotel, and restaurant for female employees who shall be allowed to use the seats to such an extent as may be reasonable for the preservation of their health. In factories female employees shall be allowed to use such seats whenever they are engaged in work which can be properly performed in a sitting posture. In mercantile establishments at least one seat shall be provided for every three female employees, and if the duties of such employees are to be performed principally in front of a counter, table, desk, or fixture, such seats shall be placed in front thereof, or if such duties are to be performed principally behind such counter, table, desk, or fixture they shall be placed behind the same.

Article V

Section 160. *Hours of labor.*—Unless otherwise provided by law, the following number of hours shall constitute a legal day's work:

1. For street surface or elevated railroad employees as affected by section one hundred and sixty-four, ten consecutive hours, including one-half hour for dinner.

2. For employees engaged in the operation of steam or electric surface, subway, or elevated railroads where the mileage system of running trains is not in use, except those employees affected by section one hundred and sixty-six, ten hours, performed within twelve consecutive hours.

3. For all other employees, except those engaged in farm or domestic service and those affected by subdivision four of section two hundred and twenty, eight hours.

This subdivision shall not prevent an agreement for overwork at an increased compensation, except upon work by or for the State or a municipal corporation, or by contractors or subcontractors therewith, and except as otherwise provided in this chapter.

Sec. 161 (as amended 1921, ch. 671). *Day of rest.*—Every employer operating a factory, mercantile establishment, or freight or passenger elevator in any building or place shall, except as herein otherwise provided, allow every person employed in such establishment or in the care, custody, or operation of any such elevator, at least twenty-four consecutive hours of rest in any calendar

week. No employer shall operate such establishment or elevator on Sunday unless he shall comply with subdivision three. This section does not authorize any work on Sunday not permitted now or hereafter by law.

2. *Exceptions.*—This section shall not apply to:

a. Janitors, watchmen, superintendents, or foremen in charge;

b. Employees in dairies, creameries, milk condenseries, milk powder factories, milk sugar factories, milk shipping stations, butter and cheese factories, ice cream manufacturing plants, and milk bottling plants where not more than seven persons are employed;

c. Employees, if the board in its discretion approves, engaged in an industrial or manufacturing process necessarily continuous, in which no employee is permitted to work more than eight hours in any calendar day;

d. Employees whose duties include not more than three hours work on Sunday in setting sponges in bakeries, caring for live animals, maintaining fires, or making necessary repairs to boilers or machinery.

e. Emplyees in hotels.

3. *Work on Sunday.*—Before operating on Sunday every employer shall conspicuously post on the premises a schedule containing a list of his employees permitted to work on Sunday, and designating a day of rest for each, and shall file a copy of such schedule with the commissioner. The employer shall also promptly file with the commissioner a copy of every change in the schedule. No employee shall be permitted to work on his designated day of rest.

4. *Time book.*—Every employer shall keep a time book showing the names and addresses of his employees and the hours worked by each of them in each day.

5. *Variations.*—If there shall be practical difficulties or unnecessary hardships in carrying out the provisions of this section or the rules of the board, the board may make a variation therefrom if the spirit of the act be observed and substantial justice done. Such variation shall be by resolution adopted by a majority vote, shall describe the conditions under which it shall be permitted, and shall apply to substantially similar conditions. The variations shall be published in the same manner as the rules of the department and properly indexed record of variations shall be kept by the department.

6. *Violations.*—In case of violations of any of the provisions of this section, the commissioner shall issue an order directing compliance therewith, and upon failure so to comply shall commence a prosecution as provided by law.

Sec. 162. *Time for meals.*—1. Every person employed in or in connection with a factory and every female employed as a conductor or guard as specified in section two hundred and three shall be allowed at least sixty minutes for the noonday meal

2. Every person employed in or in connection with a mercantile or other establishment or occupation coming under the provisions of this chapter shall be allowed at least forty-five minutes for the noonday meal, except as in this chapter otherwise provided.

3. Every person employed after seven o'clock in the evening shall be allowed at least twenty minutes for a meal between five and seven o'clock in the evening.

4. The board may permit a shorter time to be fixed for noonday meals than hereinbefore provided. The permit therefor shall be in writing and shall be kept conspicuously posted in the main entrance of the establishment. Such permit may be revoked at any time.

Sec. 163. *Brickyards.*—No corporation owning or operating a brickyard shall require employees to work more than ten hours in any day, or to commence work before seven o'clock in the morning. But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employee.

Sec. 164. *Street railroads.*—No employee engaged in the operation of a street surface or elevated railroad of whatever motive power owned or operated by a corporation whose main line or route of travel lies principally within a city of the first or second class, shall be employed more than ten consecutive hours, including one-half hour for dinner, in any day, except that in cases of accident or unavoidable delay extra work may be performed for extra compensation.

Sec. 165. *Other railroads.*—1. No person or corporation operating a steam or electric surface, subway, or elevated railroad of thirty miles or more in length, wholly or partly within this State, except where the mileage system of running trains is in operation, shall permit or require a conductor, engineer, fire-

man, trainman, motorman, or assistant motorman, engaged in or connected with the movement of any train on such railroad, to be or remain on duty for a longer period than sixteen consecutive hours. Whenever any such employee shall have been continuously on duty for sixteen hours he shall not be required or permitted again to go on duty until he has had at least ten consecutive hours off duty. No such employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period shall be required or permitted to continue or again to go on duty without having had at least eight consecutive hours off duty.

2. This section shall not apply to any such employee when he is prevented from reaching his terminal by casualty occurring after he has started on his trip or by accident to or unexpected delay of trains scheduled to make connection with the train on which he is serving, or when he is engaged in interstate commerce.

SEC. 166. *Signalmen.*—1. When used in this section "signalman" means:

a. A telegraph or telephone operator reporting trains to another office or to a train dispatcher;

b. A telegraph or telephone leverman who manipulates interlocking machines in railroad yards or on main tracks on the lines;

c. A train dispatcher whose duties pertain to the movement of cars, engines or trains, by telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders.

2. When used in this section "railroad" means: Any portion of a surface, subway, or elevated railroad situated wholly or partly in this State and operated by a corporation or receiver on which portion at least twenty freight trains on the average or nine regular passenger trains pass each way in every twenty-four hours.

3. No signalman shall be employed on any railroad for more than eight hours in any day except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, and he shall be paid for each hour of such overtime at least one-eighth of his daily compensation.

4. Every signalman and every towerman or gateman performing duties similar to those of a signalman, who is employed for eight hours or more every day shall be allowed at least two days of rest of twenty-four hours each in every calendar month with the regular compensation, except in cases of extraordinary emergency caused by accident, fire, flood, or danger to life or property, when in addition to his regular compensation he shall be paid for every hour so employed at least one-eighth of his daily compensation.

5. The provisions of this section shall not apply to employees engaged in interstate commerce.

SEC. 170. *Work time in factories.*—No child under the age of sixteen years shall be employed in or in connection with a factory:

a. More than six days or fifty-four hours in any week;

b. More than eight hours in any day;

c. Between the hours of five o'clock in the evening and eight o'clock in the morning.

SEC. 171 (as amended 1924, ch. 375). *Males 16 to 18.*—No male between sixteen and eighteen years of age shall be employed in a factory except in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October:

a. More than six days or fifty-four hours in any week;

b. More than nine hours in any day, except that he may be employed ten hours a day to make a shorter work day or holiday on any one day of the week.

In no case shall such person be employed between the hours of twelve midnight and six o'clock in the morning.

SEC. 172. *Females.*—1. No female over sixteen years of age shall be employed in a factory, except as provided in section one hundred and seventy-three:

a. More than six days or fifty-hours in any week;

b. More than nine hours in any day, except that she may be employed ten hours a day to make a shorter workday or holiday on any one day of the week.

2. In no case shall a female under twenty-one years of age be employed in any factory between the hours of nine o'clock in the evening and six o'clock in the morning, or a female over twenty-one years of age between the hours of ten o'clock in the evening and six o'clock in the morning.

SEC. 173. *Canneries.*—Except as provided in subdivision two of section one hundred and seventy-two a female over eighteen years of age may be employed in canning or preserving perishable products in fruit and canning establishments between the fifteenth day of June and the fifteenth day of October not more than ten hours in any day nor more than six days or sixty hours in any week, but the board may adopt rules permitting such employment between the twenty-fifth day of June and the fifth day of August not more than twelve hours in any one day nor more than six days or sixty-six hours in any week, if it finds that such employment is required by the needs of the industry and can be permitted without serious injury to the health of the women so employed. The provisions of this section shall not apply unless the daily hours of labor shall be posted and a time book kept as provided in section one hundred and seventy-four.

SEC. 174. *Schedule of hours.*—1. A notice on a form furnished by the commissioner stating the daily hours of labor required of all persons subject to this title and the time that their work shall begin and end, shall be kept conspicuously posted in each establishment where they are employed, and they shall not be otherwise permitted to work therein.

The schedule of hours as stated in the notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner. The presence of any such person in the factory at any other hours than those stated in the notice, or if no such notice is posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of the section relating to the hours of labor of such person.

2. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance, the commissioner, upon an application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice required in this section.

3. In every factory operating under such a permit, or employing females under section one hundred and seventy-three, a notice stating the daily hours of labor shall be posted and a time book shall be kept in a form approved by the commissioner, giving the names and addresses of all employees subject to this section and the hours worked by each of them in each day. No person shall knowingly make or suffer to be made a false entry in any such time book.

4. The permit shall be posted conspicuously in the factory. The commissioner may revoke the permit for failure to post the same or the notice of the daily hours of labor, or to keep the time book as herein provided.

5. Where a female or male minor is employed in two or more factories or mercantile establishments in the same day or week, the total time of employment shall not exceed that allowed per day or week in a single factory or mercantile establishment.

6. In a prosecution for a violation of any provision of this title, the burden of proving a permit or exception shall be upon the party claiming it.

SEC. 180. *Work time in mercantile, etc., establishments.*—No child under sixteen years of age shall be employed in or in connection with any mercantile establishment, business office, telegraph office, restaurant, hotel, apartment house, theater, or other place of amusement, bowling alley, barber shop, shoe-polishing establishment, or in the distribution or transmission of merchandise, articles or messages, or in the sale of articles:

a. More than six days or forty-eight hours in any week;

b. More than eight hours in any day;

c. Between the hours of six o'clock in the evening and eight o'clock in the morning.

This section shall not apply to any employment prohibited or regulated by section four hundred and eighty-five of the penal law.

SEC. 180-a (added 1924, ch. 375). *Same, to eighteen years.*—Except from the eighteenth day of December to the following twenty-fourth of December, inclusive, and except for two additional days at any time during the year for the purpose of stock taking, no male between sixteen and eighteen years of age shall be employed in or in connection with any mercantile establishment, or in the distribution or transmission of merchandise or articles:

a. More than six days of [or] fifty-four hours in any week;

b. More than nine hours in any day, except that he may be employed more than nine hours on one day of each week, in order to make one or more shorter work days in the week;

c. Between the hours of twelve midnight and six o'clock in the morning.

Nothing in this section shall be deemed to apply to the delivery of newspapers.

SEC. 181. *Females over sixteen.*—Except from the eighteenth day of December to the following twenty-fourth of December, inclusive, and except for two additional days at any time during the year for the purpose of stock taking, no female over sixteen years of age shall be employed in or in connection with any mercantile establishment:

a. More than six days or fifty-four hours in any week;

b. More than nine hours in any day, except that she may be employed more than nine hours on one day of each week, in order to make one or more shorter workdays in the week;

c. Between the hours of ten o'clock in the evening and seven o'clock in the morning.

The provisions of this section prohibiting employment more than six days a week and between the hours of ten o'clock in the evening and seven o'clock in the morning shall not apply to female writers or reporters employed in newspaper offices.

SEC. 182. *Restaurants.*—No female over the age of sixteen years shall be employed in or in connection with any restaurant in cities of the first and second class:

a. More than six days or fifty-four hours in any week;

b. More than nine hours in any day;

c. Between the hours of ten o'clock in the evening and six o'clock in the morning.

This section shall not apply to females employed in restaurants as singers and performers, or as attendants in ladies' cloak rooms and parlors, nor to females employed in connection with dining rooms and kitchens of hotels, or lunch rooms or restaurants conducted by employers solely for the benefit of their own employees.

SEC. 183. *Elevators.*—No female over eighteen years of age shall be employed to have the care, custody, or operation of a freight or passenger elevator in any place:

a. More than six days or fifty-four hours in any week;

b. More than nine hours in any day;

c. Between the hours of ten o'clock in the evening and seven o'clock in the morning, except that if the elevator be used in connection with a business or industry in which the employment of women before seven o'clock is not prohibited, a woman may begin work at the employment described in this section at six o'clock in the morning. This subdivision shall not apply to a woman over twenty-one years of age employed as herein specified in a hotel.

SEC. 184. *Street railroads.*—1. No female over twenty-one years of age shall be employed as a conductor or guard in the operation of any street surface, electric, subway, or elevated railroad car or train:

a. More than six days or fifty-four hours in any week;

b. More than nine hours in any day;

c. Between the hours of ten o'clock in the evening and six o'clock in the morning.

2. The daily hours of such employees shall be the period between the time of reporting for duty at the station, barn, terminal, or car and the time when released for the day. Not less than one hour shall be allowed for meals, unless a shorter time is permitted by the commissioner. In such case the permit, revocable at any time by the commissioner, shall be kept posted in the main entrance of the station, terminal, or car barn where such employees are employed or report for duty.

SEC. 185. *Messenger service.*—1. No male under the age of twenty-one years shall be employed in a city of the first or second class as a messenger for a telegraph or messenger company in distributing, transmitting, or delivering goods or messages between the hours of ten o'clock in the evening and five o'clock in the morning.

2. No female over twenty-one years of age shall be employed as a messenger for a telegraph or messenger company in distributing, delivering, or transmitting goods or messages:

a. More than six days or fifty-four hours in any week;

b. Between the hours of ten o'clock in the evening and seven o'clock in the morning.

Sec. 186. *Schedule of hours.*—1. A notice on a form furnished by the commissioner stating the daily hours of labor required of all persons subject to this title and the time when their work shall begin and end shall be kept conspicuously posted in each room where they are employed or report for duty, and they shall not be otherwise permitted to work therein.

2. The schedule of hours as stated in the notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner.

3. Where employees on street surface, electric, subway, or elevated railroads are involved, their presence on the premises in the occupation specified in this title at any other hours than those stated in the printed notice, or if no such notice be posted between the hours of ten o'clock in the evening and six o'clock in the morning, shall constitute prima facie evidence of a violation of this section.

Article VI

Section 195 (as amended 1921, ch. 642). *Wages to be in cash.*—Employers engaged in the following industries shall pay the wages of their employees in cash: Canal, express, ice harvesting or storing, manufacturing, mercantile, mining, quarrying, railroad, steamboat, street railway, telegraph, telephone and water corporations: *Provided, however*, That an employer in any of such industries may pay his employees by check if he furnishes satisfactory proof to the commissioner of his financial responsibility and gives reasonable assurance that such checks may be cashed by employees without difficulty and for the full amount for which they are drawn.

Sec. 196. *Semimonthly pay day.*—1. Every corporation or joint-stock association operating a steam surface railroad, or person carrying on the business thereof by lease or otherwise, shall, on or before the first day of each month, pay to each employee the wages earned during the first half of the preceding calendar month ending with the fifteenth day thereof, and on or before the fifteenth day of each month pay to each employee the wages earned during the last half of the preceding calendar month.

2. *Weekly pay day.*—Every other corporation or joint-stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employee the wages earned to a day not more than six days prior to the date of such payment.

3. No employee shall be required as a condition of employment to accept wages at periods other than as provided in this section.

Sec. 197. *Assignments.*—No assignment of future wages shall be valid if made to an employer enumerated in sections one hundred and ninety-five and one hundred and ninety-six, or to any person on his behalf or if made or procured to be made to any person to relieve such employer from payment of wages, as provided by such section. Charges for groceries, provisions, or clothing shall not be a valid offset in behalf of the employer against wages.

Sec. 198. *Violations.*—If a corporation or joint-stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of all its employees, as provided in this article, it shall forfeit to the people of the State the sum of fifty dollars for each such failure, to be recovered by the commissioner in a civil action.

Article VII

Section 200. *Health and safety.*—All places to which this chapter applies shall be so constructed, equipped, arranged, operated and conducted as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein. The board shall make rules to carry into effect the provisions of this section.

Sec. 201. *Laws to be posted.*—Wherever persons are employed who are affected by the provisions of this chapter or of the industrial code, the commissioner shall furnish to the employer copies or abstracts of all such provisions and rules affecting such persons. The copies or abstracts shall be in such languages as the commissioner may require and shall be kept posted by the employer in a conspicuous place on each floor of the premises. In cities, this section shall not apply to mercantile establishments where less than three persons are employed.

Sec. 203. *Wash rooms.*—There shall be provided and maintained for the use of all persons employed in operating freight or passenger elevators ade-

quate and convenient wash rooms or washing facilities and a sufficient number of suitable and convenient water-closets. Where the elevator is used in or in connection with a factory or mercantile establishment, the provisions of sections two hundred and ninety-three and two hundred and ninety-five shall apply to wash rooms, washing facilities and water-closets for employees mentioned in this section; and where the elevator is used in any other building or place, the provisions of such sections three hundred and seventy-eight and three hundred and eighty-one shall apply to wash rooms, washing facilities and water-closets for employees engaged in the care, custody or operation of an elevator in such building or place. For the purpose of so applying the sections last referred to, the term "mercantile establishment" as therein used shall be deemed to mean and include a building in which the elevator is located or with which it connects.

Sec. 204. *Inspection of boilers.*—The commissioner shall cause to be inspected at least once each year all boilers used for generating steam or heat which carry a steam pressure of more than fifteen pounds to the square inch, except where a certificate is filed with the commissioner by a duly authorized insurance company, in conformity with the rules of the board, and certifying that upon such inspection such boilers have been found to comply with the rules of the board, and to be in a safe condition. Every such insurance company shall report to the commissioner all boilers insured by it coming within the provisions of this section including those rejected, together with the reasons therefor.

[Fees for internal inspection are $5, and for external, $2, not more than $7 being collectible in the year. If a boiler is found unsafe, repairs as deemed necessary shall be ordered, and the use discontinued until repairs are made, under penalty of $5 for each day's use after receipt of order. Boilers subject to other inspection laws are exempt.]

Sec. 205. *Eating in work rooms.*—No employee shall take or be permitted to take any food into a room of any working place where lead, arsenate or other poisonous substances or injurious or noxious fumes, dust or gases exist in harmful conditions or are present in harmful quantities as an incident or result of the business carried on in such working place. Notice to the foregoing effect shall be posted in such room. No employee, unless his presence is necessary for the proper conduct of the business, shall remain in any such room during the time allowed for meals. The employer shall provide a suitable place in such establishment in which the employees may eat.

Sec. 206. *Industrial poisonings.*—1. Every physician attending any person whom he believes to be suffering from poisoning by lead, phosphorus, arsenic, brass, wood alcohol, mercury, or other compounds, or from anthrax, or compressed air illness, contracted as the result of the nature of such person's employment, shall send to the commissioner a report stating the name and address and place of employment of such person and the disease from which he is suffering, with such further information as may be required by the commissioner.

Sec. 207. *Switchboards.*—All buildings having installed therein a switchboard of two hundred and twenty volts or over shall have, on the floor or upon the platform or other standing place where the switchboard is located or to which it is attached, a rubber mat the length of the switchboard and of sufficient width to allow a person to walk or stand thereon while working at the switchboard or making tests.

Sec. 210. *Violations by officials.*—[State or municipal officers who knowingly violate or permit the violation of the provisions of this chapter shall be suspended or removed from office.]

Sec. 211. *Employees' claims.*—The commissioner shall cooperate with any employee in the enforcement of a just claim against his employer and for his protection against frauds and other improper practices on the part of any person, public or private.

Sec. 212. *Labor camps.*—The commissioner may enter and inspect all labor camps within the State and any camp which he may have reason to believe is a labor camp.

Article VIII

Section 220 (as amended 1921, ch. 642). *Eight-hour day.*—1. Eight hours shall constitute a legal day's work for all classes of employees in this State except those engaged in farm and domestic service, unless otherwise provided by law.

2. Each contract to which the State or a municipal corporation or a commission appointed pursuant to law is a party and which may involve the employment of laborers, workmen, or mechanics shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be permitted or required to work more than eight hours in any one calendar day except in cases of extraordinary emergency caused by fire, flood, or danger to life or property. No such person shall be employed more than eight hours in any day except in such emergency.

3. The wages to be paid for a legal day's work, as hereinbefore defined, to laborers, workmen, or mechanics upon such public works, or upon any material to be used upon or in connection therewith, shall be not less than the prevailing rate for a day's work in the same trade or occupation in the locality within the State where such public work on, about, or in connection with which such labor is performed in its final or completed form is to be situated, erected, or used and shall be paid in cash. Such contract shall contain a provision that each laborer, workman, or mechanic, employed by such contractor, subcontractor, or other person about or upon such public work, shall be paid the wages herein provided.

4. This section shall not apply to:

a. Stationary firemen in State hospitals;

b. Other persons regularly employed in State institutions, except mechanics;

c. Engineers, electricians, and elevator men in the department of public buildings during the annual session of the legislature;

d. Employees engaged in the construction, maintenance, and repair of highways and in waterworks construction outside the limits of cities and villages.

5. Any person or corporation who violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished, for a first offense by a fine of five hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment; for a second offense by a fine of one thousand dollars, and in addition thereto the contract on which the violation has occurred shall be forfeited; and no such person or corporation shall be entitled to receive any sum nor shall any officer, agent, or employee of the State or of a municipal corporation pay the same or authorize its payment from the funds under his charge or control to any such person or corporation for work done upon any contract on which the contractor has been convicted of a second offense in violation of the provisions of this section.

SEC. 221. *Company stores.*—No person engaged in construction of public work under contract with the State or with any municipal corporation either as a contractor or subcontractor shall, directly or indirectly, conduct what is commonly known as a company store if there is any store selling supplies within two miles of the place where such contract is being executed.

SEC. 222. *Preference in employment.*—In the construction of public works by the State or a municipality, or by persons contracting with the State or a municipality, preference shall be given to citizens. Aliens may be employed when citizens are not available. In each contract for the construction of public works a provision shall be inserted that if this section is not complied with, the contract shall be void. All boards, officers, agents, or employees of cities of the first class having the power to enter into contracts which provide for the expenditure of public money on public works, shall file in the office of the department the names and addresses of all contractors holding contracts with said cities. Upon the demand of the commissioner a contractor shall furnish a list of the names and addresses of all his subcontractors. Each contractor performing work for any city of the first class shall keep a list of his employees, stating whether they are native born citizens or naturalized citizens and in case of naturalization, the date thereof, and the name of the court in which granted. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than ninety days, or by both such fine and imprisonment.

SEC. 223. *Enforcement.*—If the commissioner finds that any person contracting with the State or a municipal corporation for the performance of any public work fails to comply with or evades the provisions of this article, he shall present evidence of such noncompliance or evasion to the officer, department, or board having charge of such work. Such officer, department, or board shall thereupon take proceedings to enforce this article.

[Article IX (sections 230–233) relates to immigrant lodging houses, and contains no provisions dealing with the employment relation. It is therefore omitted.]

Article X

Section 240. *Scaffolding.*—A person employing or directing another to perform labor of any kind in the erection, repairing, altering, painting, cleaning, or pointing of a building or structure shall furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders, slings, hangers, blocks, pulleys, braces, irons, ropes and other mechanical contrivances which shall be so constructed, placed and operated as to give proper protection to a person so employed or directed.

2. Scaffolding or staging more than twenty feet from the ground or floor, swung or suspended from an overhead support or erected with stationary supports, except scaffolding wholly within the interior of a building and covering the entire floor space of any room therein, shall have a safety rail of suitable material properly attached, bolted, braced and otherwise secured, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, with only such openings as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

3. All scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon when in use.

4. The commissioner shall immediately inspect a scaffold or a mechanical device connected therewith concerning which complaint is made. He shall attach to every scaffold or mechanical device that he inspects a certificate stating that he has made the inspection and has found the same safe or unsafe, as the case may be. If unsafe, the commissioner shall at once, in writing, notify the person responsible for the scaffold or mechanical device of the fact and shall prohibit use of it by him or by any other person until all danger is removed by alteration, reconstruction, or replacement as the commissioner may direct. Such notice may be served personally upon the person responsible or by affixing it conspicuously to the scaffold or mechanical device declared unsafe.

Sec. 241 (as amended 1922, ch. 1). *Protective flooring.*—All contractors and owners, when constructing buildings, shall comply with the following requirements:

1. If the floors are to be arched between the beams thereof, or if the floors or filling in between the floors are of fireproof material, the flooring or filling in shall be completed as the building progresses.

2. If the floors are not to be filled in between the beams with brick or other fireproof material, the underflooring shall be laid on each story as the building progresses.

3. If double floors are not to be used, the floor two stories immediately below the story where the work is being performed shall be kept planked over.

4. If the floor beams are of iron or steel, the entire tier of iron or steel beams on which the structural iron or steel work is being erected shall be thoroughly planked over to not less than six feet beyond such beams, except spaces reasonably required for proper construction of the iron or steel work, for raising or lowering of materials or for stairways and elevator shafts designated by the plans and specifications.

5. If elevators, elevating machines or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used, the shafts or openings in each floor shall be inclosed or fenced in on all sides by a barrier of suitable height, except on two sides which may be used for taking off and putting on materials, and those sides shall be guarded by an adjustable barrier not less than three nor more than four feet from the floor and not less than two feet from the edges of such shafts or openings.

6. If a building in course of construction is five stories or more high, no lumber or timber for such construction shall be hoisted or lifted on the outside of such building.

Sec. 242. *Enforcement.*—The commissioner and the chief officer charged with the enforcement of the building laws of any city, town or village shall enforce this article. Such officer shall have all the powers for enforcement of it that are vested in the commissioner.

ARTICLE XI

SECTION 250. *Factory registration.*—Every person conducting a factory shall register it with the commissioner, giving his name, home address, the address of the business, the name under which it is conducted, the number of employees and such other data as the commissioner may require. Such factory shall be so registered within thirty days after the commencement of business. Any new address of the business, together with such other information as the commissioner may require, shall be filed with the commissioner within thirty days after a change in location.

SEC. 255. *Elevators.*—In all factory buildings, every elevator and elevator opening and the machinery connected therewith, and every hoistway, hatchway, and wellhole shall be so constructed, guarded, equipped, maintained, and operated as to be safe for all persons; the board shall adopt rules to carry into effect the provisions of this section.

SEC. 256. *Safety devices.*—1. In every factory all machinery, belting, machines, apparatus, appliances, and equipment shall be properly guarded and provided with proper safety devices. All machinery, apparatus, furniture, and fixtures shall be so placed and guarded as to be safe for all persons. Whenever necessary for the safety of employees, special clothing or guards to be worn upon the person shall be provided and used. All moving parts of machinery shall be kept properly lighted during working hours when necessary to prevent accident. The board may make rules to carry into effect the foregoing provision.

2. No person shall remove or make ineffective any safeguard or safety appliance or device around or attached to machinery, vats, or pans, unless for the purpose of immediately repairing or adjusting such machinery, guard, appliance, or device and he shall immediately replace such guard, appliance, or device when such purpose is accomplished. It shall be the duty of the employer and of every person exercising direction or control over the person who removes such safeguard, safety appliance, or device, or over any person for whose protection it is designed, to see that it is promptly and properly replaced.

3. If the commissioner finds that a machine or any part thereof is in a dangerous condition or is not properly guarded or is dangerously placed, he shall attach to such machine a notice warning all persons against the use thereof. Such notice shall not be removed except by an authorized representative of the commissioner nor until the machinery is made safe and the required safeguards or safety appliances or devices are provided, and in the meantime such machinery shall not be used.

SEC. 257. *Lighting.*—1. In every factory proper lighting shall be provided during working hours for:

a. All places where persons work or pass, or may have to work or pass in emergencies;

b. All elevator cars and entrances;

c. All halls and stairs leading to workrooms;

d. All moving parts of machinery not required to be guarded by section two hundred and fifty-six and the rules of the commission, and dangerous because of their location.

2. In every factory workroom the lighting shall be such as will not cause strain on the vision or glare in the eyes of workers.

3. In the public hallway upon each floor of every factory building a proper light shall be kept burning near the stairs during each working-day from the opening of the building until its closing, except when natural light suffices. Such lights shall be arranged to operate reliably when through accident or other cause other lights of the building are extinguished.

[Sections 260–269 define what is meant by fireproof construction, etc., in the labor law, and give in detail the requirements for the various factors. On account of the detailed and technical nature of the matter, it is not reproduced here.]

SEC. 270. *Factory requirements.*—No factory shall be conducted in a building erected after October first, nineteen hundred and thirteen, which is more than one story in height unless such building shall conform to the following requirements:

1. All buildings more than four stories in height shall be fireproof.

[Other subsections give the requirements as to roofs and walls, exits, stairways, doors (which must open outwardly), partitions and elevator and other shafts and openings in the floors.]

SEC. 272. *Fire protection.*—No factory shall be conducted in any building unless such building shall be so constructed, equipped, and maintained in all respects as to afford adequate protection against fire to all persons employed therein, nor unless in addition to the provisions of sections two hundred and seventy and two hundred and seventy-one such buildings shall conform to the following requirements:

1. *Exits to be clear.*—Every exit shall be maintained in an unobstructed condition. Safe and continuous passageways with an unobstructed width of at least three feet throughout their length and leading directly to every exit including fire escapes and passenger elevators shall be maintained at all times on every floor of the building.

2. *Stairways.*—Stairways shall be provided with proper hand rails. Where the stairway is inclosed by fireproof partitions the bottom of the inclosure shall be of fireproof material at least four inches thick, unless such partitions extend to the cellar bottom. If safe egress may be had from the roof to an adjacent structure all stairways serving as required exits and extending to the top story shall be continued to the roof.

3. *Doors and windows.*—No door leading into or out of any factory or any floor thereof shall be locked, bolted, or fastened during working hours. No door, window, or other opening on any floor shall be obstructed by stationary metal bars, grating, or wire mesh. Metal bars, grating, or wire mesh provided for any such door, window, or other opening shall be so constructed as to be readily movable or removable from both sides so as to afford free and unobstructed use thereof as a means of egress and they shall be left unlocked during working hours. Every door opening on a stairway or other exit shall open so as not to obstruct the passageway.

4. *Exit signs.*—A sign marked "exit" in letters not less than eight inches in height shall be placed over all openings leading to stairways and other exits and a red light shall be placed over all such openings and used in time of darkness.

5. *Regulations.*—The board may adopt rules and establish requirements and standards for construction, equipment, and maintenance of factory buildings or of particular classes thereof and the means and adequacy of exit therefrom in order to carry out the purposes of this chapter, in addition to the requirements of sections two hundred and seventy to two hundred and seventy-four, inclusive, and not inconsistent therewith.

SEC. 273. *Fire escapes.*—[This section prescribes material and construction for fire escapes, balconies, landings, etc.]

SEC. 275. *Construction.*—[Sections 272, 273 are not a substitute for local or general laws on the subject, but supplemental unless inconsistent, when they supersede such laws.]

SEC. 276. *Inspection.*—1. The officer of any city, village, or town having power to inspect buildings therein to determine their conformity to the requirements of law or ordinance governing their construction shall, whenever requested by the commissioner, inspect any factory building therein and certify to the commissioner whether such building conforms to the requirements of this chapter and the rules of the board. Such certificate shall be presumptive evidence of the truth of the matters therein stated.

2. *Approval of plans.*—Before constructing or altering a building to be used for a factory, the plans and specifications therefor may be submitted to the commissioner in such form as he may require. If they comply with the requirements of this chapter and the rules of the board, the commissioner shall issue his certificate approving the same. The commissioner may request any officer of the city, village, or town in which the building is located who has power to approve plans for construction and alteration of buildings therein to examine the plans and specifications and to certify whether such plans and specifications conform to the requirements of the law and the rules of the board. Such certificate shall be presumptive evidence of the truth of the matters therein stated.

3. *Certificate.*—After such construction or alteration shall be completed, the commissioner shall, when requested by the owner or person filing the plans, ascertain by inspection or in the manner provided in subdivision two of this section whether the building conforms to the requirements of this chapter and

the rules of the board. If the commissioner finds that it does so conform he shall issue his certificate to that effect.

Sec. 277. *Permit.*—The officer of any city, village, or town having power to approve plans for the construction and alteration of buildings shall immediately upon the issuance of a permit for the construction or alteration of a building to be used for a factory or mercantile establishment as defined by this chapter, forward to the commissioner on forms provided by him a notice of the issue of such permit and such other information as he may require. The provisions of this section shall not apply to the city of New York.

Sec. 278. *Number of occupants.*—[This section directs that the number of employees on any floor above the ground floor in a factory building shall be limited to the number who can safely escape by the exits provided. Limits are then fixed in accordance with various conditions specified, as where a sprinkler system is installed, horizontal exits exist, fireproof partitions are provided, etc.]

Sec. 279. *Fire-alarm systems.*—1. Every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor shall be equipped by the owner thereof with a fire alarm signal system having a sufficient number of signals clearly audible to all occupants of the building, and so arranged as to permit the sounding of all the alarms within the building whenever the alarm is sounded in any portion thereof. Such system shall be maintained in good working order and no person shall tamper with same or render ineffective any portion thereof except to repair it. A person discovering a fire shall cause an alarm to be sounded immediately. The board of standards and appeals in the city of New York and elsewhere the board may make rules and regulations prescribing the number, character, and location of the signals and the method and character of the installation including that of all appliances in connection therewith.

2. *Fire drills.*—In every factory building over two stories in height in which more than twenty-five persons are employed above the ground floor, a fire drill shall be conducted at least once a month in which all of the occupants of the building shall participate simultaneously and which shall conduct all such occupants to a place of safety. In New York City the fire commissioner and elsewhere the board shall make rules, regulations, and special orders necessary or suitable to each situation and to secure the personal cooperation of all the tenants of the building in a fire drill of all the occupants thereof. Such rules, regulations, and orders may require the posting of the same or an abstract thereof and may prescribe upon whom shall rest the duty of carrying them out.

3. *Exceptions.*—Subdivisions one and two of this section shall not apply to a building in which every square foot of the floor area on all stories is protected with an automatic sprinkler system having two adequate sources of water supply and approved by the public authorities having jurisdiction thereof and in which also the maximum number of occupants of any one floor does not exceed by more than fifty per centum the capacity of the exits, as determined by subdivisions one, two, and three of section two hundred and seventy-eight, in addition to the prescribed occupancy under subdivisions five, six, and seven of said section. If the commissioner after investigation determines that the spirit of this chapter is observed and public safety secured he may permit in place of the automatic sprinkler system before specified an automatic sprinkler system having one adequate source of water supply and approved by the public authorities having jurisdiction thereof.

4. *Enforcement.*—The provisions of this section shall be enforced in the city of New York by the fire commissioner of said city and elsewhere by the commissioner.

Sec. 280. *Automatic sprinklers.*—In every factory building over seven stories or ninety feet in height in which wooden flooring or wooden trim is used and more than two hundred people are regularly employed above the seventh floor or more than ninety feet above the ground level of the building, the owner thereof shall install an automatic sprinkler system to be approved in the city of New York by the fire commissioner in such city and elsewhere by the board. The provisions of this section shall be enforced in the city of New York by the fire commissioner of said city and elsewhere by the commissioner.

Sec. 281. *Fireproof receptacles.*—Every factory shall be provided with properly covered fireproof receptacles, the number, style, and location of

which shall be approved in the city of New York by the fire commissioner and elsewhere by the commissioner. There shall be deposited in such receptacles waste materials, cuttings, and rubbish of an inflammable nature. No waste materials, cuttings, or rubbish shall be permitted to accumulate on the floors of any factory, but shall be removed therefrom not less than twice each day. All such waste materials, cuttings, and rubbish shall be entirely removed from a factory building at least once a day, except that baled waste material may be stored in fireproof inclosures. All such baled waste material shall be removed from the building at least once a month.

Sec. 282. *Lights.*—All gas jets and other lights in factories shall be properly inclosed by globes or wire cages or shall be otherwise properly protected in a manner approved in the city of New York by the fire commissioner of such city and elsewhere by the commissioner.

Sec. 283. *Smoking.*—1. No person shall smoke in a factory. A notice of such prohibition stating the penalty for violation thereof shall be kept posted in every entrance hall, elevator, stair hall, and room of a factory in English, and in such other languages as the fire commissioner of the city of New York in such city and elsewhere the commissioner shall direct.

2. The board in its rules may permit smoking in protected portions of a factory, or in such classes of occupancies where in its opinion the safety of the employees will not be endangered thereby. The fire commissioner of the city of New York in such city and elsewhere the commissioner may issue such permits in accordance with rules adopted by the board.

3. The fire commissioner of the city of New York in such city and elsewhere the commissioner shall enforce this section.

Sec. 290. *Safety and sanitation.*—Every room in a factory and every part thereof and all fixtures therein shall at all times be kept in a safe and sanitary condition and in proper repair. No person shall expectorate upon the walls, floors, or stairs of a factory or of the building in which it is located. Suitable receptacles shall be provided and used for the storage of waste and refuse.

Sec. 291. *Plumbing, etc.*—Every part of a factory building and of the premises thereof and the plumbing therein, shall at all times be kept in a safe and sanitary condition and in proper repair.

Sec. 292. *Drinking water.*—There shall be provided in every factory at all times for the use of employees a sufficient supply of clean and pure drinking water, and if placed in receptacles the same shall be properly covered and kept clean.

Sec. 293. *Washrooms.*—1. There shall be provided and maintained for employees in every factory suitable and convenient washrooms separate for each sex, adequately equipped with washing facilities. Every washroom shall be adequately ventilated and heated and shall be lighted by artificial means where necessary.

2. In factories where lead, arsenic, or other poisonous substances or injurious or noxious fumes, dust or gases are present as an incident or result of the business or occupation, hot water, soap and individual towels shall be furnished.

Sec. 294. *Dressing rooms.*—There shall be provided in every factory where females are employed dressing or emergency rooms having at least one window leading to the outer air. Where more than ten females are employed, one or more separate dressing rooms shall be provided. All dressing rooms shall be separated from water-closets by suitable partitions, shall have adequate floor space in proportion to the number of employees, shall be provided with seats and with suitable means for hanging clothes ,and shall be constructed, heated, ventilated, lighted, and maintained in accordance with the rules of the board.

Sec. 295. *Water-closets.*—[Suitable and convenient water-closets, etc., separate for the sexes, must be provided in all factory buildings, in accordance with the rules of the industrial board.]

Sec. 296. *Laundries.*—A shop, room, or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter and subject to the provisions relating to factories. No such public laundry work shall be done in a room used for sleeping or living purposes. All such laundries shall be kept in a clean condition and free from vermin and from all impurities of an infectious or contagious nature. This section shall not apply to a female doing custom laundry work at her home for regular family trade.

SEC. 297. *Unclean factories.*—1. If the commissioner finds evidence of contagious disease in a factory, he shall affix to the articles therein exposed to contagion a label containing the word "unclean" and shall notify the local department or board of health, which after disinfecting the articles may remove such label.

2. If the commissioner finds that the factory or workroom therein is unsanitary, the commissioner may, upon filing in his office a written order stating the reasons therefor, affix to any articles therein a label containing the word "unclean." Such label shall be removed only by an authorized representative of the commissioner and not until such articles are removed from the factory and cleaned, or until the factory or workroom is made sanitary.

SEC. 298. *Living quarters.*—Every employer conducting a factory and furnishing to employees thereof living quarters at a place outside the factory, either directly or through any third person, by contract or otherwise, shall maintain such living quarters in a sanitary condition and in accordance with rules adopted by the board.

SEC. 299. *Ventilation, etc.*—1. Every workroom in a factory shall be provided with proper and sufficient means of ventilation, natural or mechanical, or both, as may be necessary, and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during the working hours. If owing to the nature of the manufacturing process carried on in the factory workroom excessive heat be created therein, there shall be provided, maintained, and operated such special means or appliances as may be required to reduce such excessive heat.

2. *Dust, gases, etc.*—All machinery creating dust or impurities shall be equipped with proper hoods and pipes connected to an exhaust fan of sufficient capacity and power to remove such dust or impurities; such fan shall be kept running constantly while such machinery is in use. If in case of wood-working machinery the board decides that such apparatus is unnecessary for the health and welfare of the employees, it may adopt rules excepting such machinery from the operation of this subdivision.

3. If dust, gases, fumes, vapors, fibers, or other impurities are generated or released in the course of the business carried on in any workroom of a factory, in quantities tending to injure the health of the employees, suction devices shall be provided which shall remove such impurities from the workroom, at their point of origin where practicable, by means of proper hoods connected to conduits and exhaust fans. Such fans shall be kept running constantly while the impurities are being generated or released.

4. *Standards.*—The board shall make rules for and fix standards of ventilation, temperature, and humidity in factories and shall prescribe the special means, if any, required for removing impurities or for reducing excessive heat, and the machinery, apparatus, or appliances to be used for any of said purposes, and the construction, equipment, maintenance, and operation thereof.

5. *Orders.*—If any requirement of this section or any rule adopted thereunder be not complied with, the commissioner shall issue an order directing compliance therewith within thirty days after the service thereof. He may in such order require plans and specifications to be filed. In such case, before providing or making any change or alteration in any machinery or apparatus for any of the purposes specified in this section, the person upon whom such order is served shall file with the commissioner plans and specifications therefor and shall obtain his approval of the same.

SEC. 300. *Air spaces.*—No greater number of persons shall be employed in any room of a factory between six o'clock in the morning and six o'clock in the evening than will allow each person so employed two hundred and fifty cubic feet of air space nor, unless by written permit of the commissioner, than will allow four hundred cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning. Such rooms shall be lighted by electricity whenever persons are employed therein between six o'clock in the evening and six o'clock in the morning.

SEC. 310. *Foundries.*—Foundries shall conform to the provisions of this chapter relating to factories and also to the following requirements:

1. Entrances and windows shall be constructed and maintained so as to minimize drafts.

2. Gangways shall be constructed and maintained of sufficient width to make the use thereof by employees reasonably safe and shall not be obstructed during the progress of casting.

3. Smoke, steam, or gases generated in foundries shall be effectively removed therefrom in accordance with rules adopted by the board. The milling and cleaning of castings and the milling of cupola cinders shall be done under such conditions to be prescribed by the rules of the board as will adequately protect the employees from dust. The use of heaters discharging smoke or gas into the workrooms is prohibited except that pen fires may be used under conditions prescribed by the board in its rules. Suitable provision shall be made for drying the working clothes of employees.

4. All apparatus, tools, implements, and equipment shall be kept in proper condition and repair.

5. A first-aid kit shall be provided for the use of employees in case of burns or accidents.

6. Where ten or more persons are employed (a) there shall be provided suitable and convenient wash rooms adequately equipped with hot or cold water. Such wash rooms shall be kept clean and properly heated. (b) Lockers shall be provided for the employees' clothing. (c) If outside water-closet or privy accommodations are permitted by rules of the board, they shall be properly heated and the passageway leading from the foundry thereto shall be so constructed and protected that employees using the passageway shall not be exposed to the outdoor atmosphere.

SEC. 315. *Owner.*—Whenever used in this article:

1. "Owner" means the owner of the premises, or the lessee of the whole thereof, or the agent in charge of the property.

2. *Tenant factory.*—"Tenant-factory building" means a building, separate parts of which are occupied and used by different persons and one or more of which parts is used as a factory.

SEC. 316. 1. *Operator's duty.*—Except as in this article otherwise provided, the person operating a factory, whether as owner or lessee of the whole or a part of the building in which the same is situated or otherwise, shall be responsible for the observance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

2. *Owner's duty.*—The owner of a tenant-factory building, whether or not he is also one of the occupants instead of the respective tenants, shall be responsible for the observance of the following provisions of this article, anything in any lease to the contrary notwithstanding: * * * [Enumerates sections prescribing structural provisions and equipment.] Except that the tenants shall also be responsible within their respective holdiugs for the observance of the provisions of the following sections: Section two hundred and fifty-five, elevators and hoistways; section two hundred and seventy, construction of buildings erected after October first, nineteen hundred and thirteen; section two hundred and seventy-oue, requirements for buildings erected before October first, nineteen hundred and thirteen; section two hundred and seventy-two, additional requirements for all buildings; section two hundred and seventy-three, fire escapes erected after October first, nineteen hundred and thirteen, on buildings theretofore erected; section two hundred and seventy-four, fire escapes erected before October first, nineteen hundred and thirteen.

The owner shall also be responsible for all other provisions of this article in so far as they affect those portions of the tenant-factory building or its premises that are used in common or by more than one occupant.

3. *Owner may enter.*—The tenant of any part of a tenant-factory building shall permit the owner, his agent, and employees to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure. Whenever by the terms of a lease any tenant has agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid.

ARTICLE XIII

SECTION 350. *Definitions.*—Whenever used in this article:

1. "Tenement house" means a house or building, or portion thereof, rented or leased to be occupied, or which is occupied in whole or in part as the home or residence of three or more families living independently of each other and

doing their cooking upon the premises, and includes an apartment house so occupied and any building on the same lot with a tenement house used for any purpose specified in this article.

2. "Manufacture," "manufacturing," "manufactured" or "making" includes preparation, alteration, repair or finishing, in whole or in part.

SEC. 351 (as amended 1921, ch. 642). *Exceptions.*—This article shall not apply to: (1) A cellar bakery having a certificate of exemption issued pursuant to section three hundred and thirty-eight of this chapter; (2) a tenement house the only manufacture in which is carried on in a shop, on the main or ground floor which has direct entrance from the street, no openings into living rooms or the rest of the building and is not used for sleeping or cooking; (3) manufacture of an article by a family for the exclusive use of one of its members; (4) manufacture of cotton or linen collars, cuffs, shirts or shirt waists that are to be laundered before being offered for sale.

SEC. 352. *Sale prohibited.*—No article manufactured in a tenement house contrary to this chapter shall be sold or exposed for sale by any person.

SEC. 353. *Permits and licenses.*—1. The owner or operator of a factory shall secure a permit from the commissioner before employing or contracting with any person for manufacture in a tenement house and shall not employ or contract with any person for manufacture in a tenement house that has no license.

2. The owner of a tenement house, or his agent, shall secure a license from the commissioner before permitting any person to manufacture upon his premises.

SEC. 354. *Application.*—An application of the owner of a tenement house for a license shall be made out upon a blank furnished by the commissioner and shall give the number of apartments in the tenement house, its owner's full name and address and its location by street number or by other description that will enable the commissioner to find it readily.

SEC. 355. *Sanitary, etc., conditions.*—1. The tenement house, its furniture, appointments, and the articles in process of manufacture therein shall be clean, sanitary, and free from vermin; the plumbing shall not permit the entrance of sewer air; each working room shall be well lighted and ventilated and shall have at least five hundred cubic feet of air space for each person permitted to work therein.

2. The tenement house, the articles in process of manufacture, and the persons living therein shall be free from infectious, contagious or communicable disease.

3. *Who may work.*—No person other than a member of a family residing therein shall manufacture any article in a tenement house, except a tailor or seamstress making wearing apparel for a person residing therein and except employees of a dressmaker shop in a room or apartment on the first or second floor which deals solely in the custom trade direct to the consumer, has at least one thousand cubic feet of air space for each worker, has no children under fourteen living or working therein and possesses a special permit from the commissioner, a copy of which with the reasons for granting it, is on file in his office. No child shall work in a tenement house except in accordance with articles four and five of this chapter.

4. *Cellars.*—No article shall be manufactured in a cellar or basement of a tenement house if such cellar or basement is below the level of the adjoining ground more than one-half of its height.

5. *Articles forbidden.*—No article of food, no dolls or dolls' clothing and no article of children's or infants' wearing apparel shall be manufactured for a factory either directly or through one or more contractors or other third persons in any apartment of a tenement house, if any part of such apartment is used for living purposes.

SEC. 356. *Issue of licenses.*—Upon receipt of an application for license to manufacture in a tenement house, the commissioner shall consult the records of the local board or department of health. He need proceed no further unless and until such records show no condition contrary to section three hundred and fifty-five. Before granting a license he shall also inspect the tenement house. If the records of the local board or department of health and the inspection show full compliance with section three hundred and fifty-five the commissioner shall file in his office statements to such effect dated and signed in ink by the employee or employees who have consulted the records and made the investigation and shall issue to the owner a license permitting manufacture in the tenement house under the conditions prescribed in section three hundred and fifty-five. If the commissioner denies a license, he shall file in

his office a statement of the reasons for such denial. At any time, upon request, the local board or department of health shall furnish to the commissioner copies of its records and other information necessary to the carrying out of this article.

Sec. 357. *Inspections.*—The commissioner shall inspect every tenement house used for manufacture not less than once in every six months. In connection with such an inspection he may consult the record of orders issued by the local board or department of health since the last previous inspection. Upon demand, any resident of a tenement house engaged in manufacture of an article for a factory shall exhibit the factory label required by section three hundred and sixty-four.

Sec. 358. *Notice.*—If the commissioner discovers any manufacture in a tenement house contrary to this chapter, he shall serve a notice of such unlawful manufacture upon the owner of the tenement house or upon his agent.

Sec. 359. *Unsanitary conditions.*—The commissioner shall order the owner of the tenement house to remedy forthwith any unsanitary condition and the tenants to clean at once any filthy room or apartment. He may affix a placard to the entrance door of a filthy room or apartment calling attention to its condition and prohibiting manufacture therein. No person except the commissioner shall remove or deface such placard.

Sec. 360. *Unlawful manufactures.*—The commissioner may conspicuously affix to any article unlawfully manufactured in a tenement house a tag not less than four inches in length bearing in small pica capital letters the words "tenement made." No person except the commissioner shall remove or deface such tag.

Sec. 361. *Unclean articles.*—The commissioner may seize an unclean article and order the owner or the person entitled to possession of it to clean it at his own expense. Upon noncompliance within one month, the commissioner may destroy such article.

Sec. 362. *Infected articles.*—If the commissioner finds evidence of infectious, contagious, or communicable disease in a tenement-house room or apartment, he shall affix to every article in process of manufacture therein the tag described in section three hundred and sixty and shall immediately report to the local board or department of health the location of such room or apartment and the evidence of disease therein. The board or department of health shall inspect the room or apartment within forty-eight hours after receiving such report. It may remove the labels and disinfect the articles or may condemn and destroy them. It shall issue such orders as the public health may require and shall report promptly its proceedings to the commissioner. No article shall be manufactured in the room or apartment until the board or department of health has certified that it is in a sanitary condition.

Sec. 363. *Revocation.*—1. The commissioner may revoke or suspend the permit of a factory owner or operator whenever this article or the provisions of articles four and five relative to child labor are violated in connection with any work for the factory.

2. The commissioner may revoke the license of a tenement house owner for unsanitary condition of the tenement house, for employment of a child therein contrary to articles four and five of this chapter or for noncompliance with an order issued by him within ten days after receipt of such order. He shall file in his office a statement of the reasons for every revocation.

Sec. 364. *Giving out articles.*—1. No person owning or operating a factory or other person shall give out any article or material for manufacture in an unlicensed tenement house or for manufacture by a resident of a room or apartment in which infectious, contagious, or communicable disease exists.

2. Every person owning or operating a factory or other person giving out any article or material for manufacture in a tenement house shall:

a. Before giving out such article or material, ascertain from the commissioner whether or not the tenement house owner has a license and obtain from the local board or department of health the names and addresses of all tenement house residents within its jurisdiction known to it to be sick of infectious, contagious, or communicable disease;

b. Keep a register and plainly write therein in English the name and address of every person to whom any article or material is given out;

c. Attach to each article or material given out a label bearing the name and address of his factory or his own name and business address legibly written or printed in English.

3. Upon demand of the commissioner the person giving out any article or material shall furnish a copy of his register and such other information as the commissioner may require.

Sec. 365. *Duty of owners.*—Unlawful manufacture of an article in a room or apartment of a tenement house shall be cause for dispossessing its occupants by summary proceedings to recover possession of real property as provided in the Code of Civil Procedure. Upon receipt from the commissioner of a notice showing unlawful manufacture in a room or apartment of a tenement house, the owner or his agent shall cause such unlawful manufacture to cease within ten days and, if unable to do so, shall institute within fifteen days and faithfully prosecute proceedings to dispossess the occupants.

Sec. 366. *Lists.*—The commissioner shall publish a complete list of factories and tenement houses whose owners or operators hold permits and licenses and shall revise and republish the list from time to time. The list shall give the names and addresses of the factory owners and the locations of the factories and shall show what permits and licenses are suspended or revoked.

Article XIV

Section 375 (as amended 1924, ch. 466). *Mercantile establishments.*—Every room in a mercantile establishment or restaurant and every part thereof and all fixtures therein shall at all times be kept sanitary. Floors shall be kept in safe condition. Suitable receptacles shall be provided and used for the storage of waste and refuse, and shall be maintained in a sanitary condition.

Sec. 376 (as amended 1924, ch. 466). *Sanitation, etc.*—Every part of a building in which a mercantile establishment or restaurant is located and of the premises thereof and the plumbing therein shall at all times be kept in safe and sanitary condition and in proper repair.

Sec. 377 (as amended 1924, ch. 466). *Drinking water.*—Every mercantile establishment, restaurant, and every station, terminal, or car barn where women employees of a street, surface, electric, subway, or elevated railroad report for duty shall provide at all times for the use of employees a sufficient supply of clean and pure drinking water, and if placed in receptacles, the same shall be properly covered and kept clean.

Sec. 378 (as amended 1924, ch. 466). *Wash rooms.*—Every mercantile establishment, every restaurant, every office of a telegraph or messenger company in a city of the first or second class and every station, terminal or car barn where women employees of a street, surface, electric, subway or elevated railroad report for duty shall provide and maintain for employees adequate and convenient wash rooms or washing facilities, separate for each sex wherever required by the rules of the board. Every wash room shall be adequately ventilated and heated and shall be lighted by artificial means where necessary.

Sec. 379 (as amended 1924, ch. 466). *Dressing rooms.*—In every mercantile establishment or restaurant where more than five women are employed and in every terminal or car barn where more than five women employees of a street, surface, electric, subway or elevated railroad report for duty a sufficient number of dressing rooms conveniently located shall be provided for their use. All dressing rooms shall be separated from water-closets by adequate partitions, shall have adequate floor space in proportion to the number of employees, shall be provided with seats and with suitable means for hanging clothes and shall be constructed, heated, lighted and maintained in accordance with the rules of the board.

Sec. 380. *Lunch rooms.*—No lunch room in any mercantile establishment where females are employed shall be next to or adjoining a water-closet, unless a permit therefor is granted by the commissioner in a city or by the local board or department of health in a village. Such permit shall be granted if proper sanitary conditions exist and may be revoked at any time by the granting authority if the lunch room is kept in such a manner or is so located as to be injurious to the health of the employees.

Sec. 381 (as amended 1924, ch. 466). *Water-closets.*—[A sufficient number of suitable and convenient water-closets must be provided for every mercantile establishment, restaurant, telegraph or messenger companies in cities, and every station, terminal or car barn where women employees report for duty. These must, if practicable, be within the building, separate for the sexes, of approved types, properly constructed, installed, ventilated, lighted, heated and maintained.]

SEC. 382 (as amended 1924, ch. 466). *Ventilation, etc.*—Every mercantile establishment and every restaurant shall be provided with proper and sufficient means of ventilation by natural or mechanical means or both, as may be necessary, and there shall be maintained therein proper and sufficient ventilation and proper degrees of temperature and humidity at all times during working hours. The board shall make rules for and fix standards of ventilation, temperature and humidity in mercantile establishments and restaurants.

SEC. 383 (as amended 1924, ch. 466). *Children and females.*—No child under the age of sixteen years and no female shall be employed in the basement of a mercantile establishment or restaurant unless a permit therefor is granted by the commissioner. Such permit shall be granted if the basement is sufficiently lighted, ventilated and sanitary.

SEC. 390. *Contribution to insurance fund.*—1. A corporation operating a mercantile establishment shall not by deduction from salary, compensation or wages, by direct payment or otherwise, compel any employee in such establishment to contribute to a benefit or insurance fund maintained or managed for the employees of such establishment by such corporation, or by any other corporation or person. Every contract or agreement whereby such contribution is exacted shall be void.

2. A corporation violating this section shall be liable to a penalty of one hundred dollars recoverable by the person aggrieved in any court of competent jurisdiction.

3. A director, officer, or agent of a corporation which compels any employee to make a contribution in violation of this section or assign any agreement to make such contribution, or which imposes or requires such a contribution as condition of entering into or continuing in the employment of a mercantile establishment shall be guilty of a misdemeanor.

SEC. 391 (as amended 1921, ch. 642). *Enforcement.*—1. In cities the commissioner shall have jurisdiction to enforce the provisions of this chapter relating to mercantile establishments, business offices, telegraph offices, restaurants, hotels, apartment houses, theaters or other places of public amusement, bowling alleys, barber shops, shoe-polishing establishments, the distribution or transmission of merchandise, articles or message, or the distribution or sale of articles. Elsewhere, such provisions shall be enforced by the board or department of health or health commissioners of the town or village affected thereby, who shall prosecute all violations thereof within sixty days after the alleged offense was committed.

2. All officers and members of such boards or departments, all health commissioners, inspectors, and ether persons appointed or designated by such boards, departments, or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town or village for which they are appointed. No person shall interfere with or prevent any such officer from making such visitation and inspections, nor shall he be obstructed or injured while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector with reference to any of the provisions of this article.

3. Except as otherwise provided the provisions of this chapter relating to the establishments, employments, and occupations specified in subdivision one of this section, except as therein otherwise specified, shall apply only to villages which at the last preceding State enumeration had a population of three thousand or more.

ARTICLE XV

SECTIONS 400–417. *Mines, tunnels and quarries.*—[Notice must be given of the opening or abandonment of shafts, blasting is regulated, and the storage of powder and oils; wash rooms are required, and exits, hoists, steam boilers, traveling ways, timbering and ventilation are regulated.]

SEC. 425. *Compressed air.*—The term "pressure" means gauge air pressure in pounds per square inch.

SEC. 426. *Equipment.*—Every employer of persons for work in compressed air shall—

1. Connect at least two air pipes with the working chamber and keep such pipes in perfect working condition;

2. Attach to the working chamber in accessible positions all instruments necessary to show its pressure and keep such intrument in charge of competent

persons, with a period of duty for each such person not exceeding eight hours in any twenty-four;

3. Place in each shaft a safe ladder extending its entire length;

4. Light properly and keep clear each passageway;

5. Provide independent lighting systems for the working chamber and shaft leading to it, when electricity is used for lighting;

6. Guard lights other than electric lights;

7. Protect workmen by a shield erected in the working chamber when such chamber is less than ten feet long and is suspended with more than nine feet space between its deck and the bottom of the excavation;

8. Provide for and keep accessible to employees working in compressed air a dressing room heated, lighted, and ventilated properly and supplied with benches, lockers, sanitary water-closets, bathing facilities, and hot and cold water;

9. Establish and maintain a medical lock properly heated, lighted, ventilated, and supplied with medicines and surgical implements, when the maximum air pressure exceeds seventeen pounds.

SEC. 427. *Medical officers.*—Every employer of persons for work in compressed air shall:

1. Keep at the place of work at all necessary times one or more duly qualified medical officers to care for cases of illness and to strictly administer and enforce sections four hundred and twenty-six, four hundred and twenty-eight, and four hundred and twenty-nine.

2. Keep at a medical lock required by subdivision nine of section four hundred and twenty-six a certified nurse selected by the medical officer or officers required by subdivision one of this section and qualified to give temporary relief in cases of illness.

SEC. 428. *Physical examination.*—If an employee is a new employee, an absentee for ten or more successive days, an employee who has worked in compressed air continuously for three months, or a beginner in compressed air who has worked but a single shift as required by section four hundred and thirty, the officer or officers required by subdivision one of section four hundred and twenty-seven shall examine him and declare him physically fit to work in compressed air before permitting him to enter or reenter the working chamber.

SEC. 429. *Intoxicants.*—Excessive users of intoxicants shall not be permitted to work in compressed air.

SEC. 430. *Shifts and intervals.*—The working time in any twenty-four hours shall be divided into two shifts under compressed air with an interval in open air. Persons who have not previously worked in compressed air shall work therein but one shift during the first twenty-four hours. No person shall be subjected to pressure exceeding fifty pounds except in emergency. The maximum number of hours, to each shift and minimum open air interval between the shifts during any twenty-four hours for any pressure, as given in columns one and two of the following table, shall be as set opposite such pressure in columns three, four, five, and six:

Shifts and intervals of work for each twenty-four-hour period

Pressure		Hours			
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Minimum number of pounds	Maximum number of pounds	Maximum total	Maximum first shift in compressed air	Minimum rest interval in open air	Maximum second shift in compressed air
14 7/10	21	8	4	½	4
21	30	6	3	1	3
30	35	4	2	2	2
35	40	3	1½	3	1½
40	45	2	1		1
45	50	1½	¾		¾

The employer may determine the time of each shift when the pressure is less than twenty-one pounds, provided that the total for the two shifts does not exceed eight hours.

SEC. 431. *Decompression.*—The employer or person in charge shall not permit any person to pass from compressed air to normal pressure without passing through an intermediate lock or stage of decompression. For tunnels, the rate of such decompression shall be three pounds every two minutes when the pressure is thirty-six pounds or less and one pound every minute when the pressure exceeds thirty-six pounds. For caissons, the rate for any pressure, as given in columns one and two of the following table shall be as set opposite such pressure in column three:

Decompression

Pressure		Rate
Minimum number of pounds	Maximum number of pounds	Minimum number of minutes
--	10	1
10	15	2
15	20	5
20	25	10
25	30	12
30	36	15
36	40	20
40	50	25

SEC. 435. *Duties.*—Except as otherwise provided, the owner, agent, lessee, manager, operator, and superintendent shall be responsible for the observance of the provisions of this article.

SEC. 436. *Penalties.*—Violation of or noncompliance with any provision of this article shall be a misdemeanor punishable by a fine of not less than two hundred and fifty dollars or by imprisonment for one year or by both.

SEC. 437. *Enforcement.*—The commissioner may serve a written notice upon the owner, agent, manager, or lessee of a mine or tunnel requiring him to comply with a specific provision of this article. The commissioner shall begin an action in the supreme court to enforce compliance with such provision, and upon such notice as the court directs and order may be granted restraining the working of such mine or tunnel during such time as may be therein specified.

ARTICLE XVI

SECTION 450. *Explosives.*—1. This article shall apply to the manufacture, possession, storage, transportation, sale, or gift of explosives as defined in subdivision one of section four hundred and fifty-one.

* * * * * * *

[As indicated by the foregoing, this article relates rather to the subject of public safety than to that of the employment relation; it is therefore not reproduced here.]

ARTICLE XVII

SECTION 470. *Construction of act.*—This act shall be construed as a continuation of chapter thirty-six of the laws of nineteen hundred and nine, entitled "An act relating to labor, constituting chapter thirty-one of the Consolidated Laws," as amended, and not as a new enactment.

SEC. 471. *Succession.*—* * * The department of labor, the industrial commissioner, and the industrial board, subject to the provisions of this chapter as to the distribution of functions, shall succeed to all the rights, powers, duties, and obligations of the department of labor and the State industrial commission, as heretofore constituted.

CHAPTER 37.—*Inspection of steam vessels and boilers—Regulations*

SECTIONS 3, 4. *Inspectors.*—[Two inspectors of steam vessels are to be appointed by the superintendent of public works, one experienced as a master of steam vessels, and the other experienced in the construction and use of

boilers and engines. Salaries are $3,000 a year each. When not engaged in the specific duties of their appointment, they may be transferred to the department of labor for a time, if requested.]

SEC. 5. *Inspection of vessels.*—[Inspections must be made at least annually of the hull, boats, and other equipment of passenger and tow boats. Damage by fire, explosion or electrical apparatus may be investigated, and if found due to violations of law or of orders, the same shall be reported to the county attorney. Vessels carrying freight for hire shall also be inspected, as well as naphtha and electric launches, to determine their safe use in navigation. Rules may be framed for the guidance of managers and employees of boats.]

SEC. 6. *Inspection of boilers.*—[Boilers of vessels carrying passengers or freight for hire or towing for hire must be inspected before going into use, and at least annually thereafter. A hydrostatic test is to be applied, also a hammer test and internal examination whenever deemed necessary. Connections, appurtenances, safety valves, and other equipment must be of suitable dimensions, construction, etc., and be properly adjusted, and other conditions be such as the inspector may deem necessary to the safety of passengers and crew.]

SEC. 7. *Certificates.*—[If the inspection shows safe and suitable conditions, a certificate issues, showing facts as to age, dates, names, number of crew, and capacity of vessel. If a certificate is refused, the reason must be given in writing.]

SEC. 30. *Accidents.*—[Accidents involving loss of life or damage to property must be reported to the superintendent of public works by the officers of the vessel.]

CHAPTER 39.—*Wages as preferred claims—In receiverships of partnerships*

SECTION 71-a (added 1921, ch. 23) *Rank.*—[The wages of the employees of a partnership are preferred to every other debt or claim, upon the appointment of a receiver.]

CHAPTER 40.—*Labor organizations—Bribery of representatives*

SECTION 380. *Gifts, etc.*—A person who gives or offers to give any money or other things of value to any duly appointed representative of a labor organization with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, is guilty of a misdemeanor; and no person shall be excused from attending and testifying, or producing any books, papers or other documents before any court or magistrate, upon any investigation, proceeding or trial, for a violation of this section, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to convict him of a crime or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation or proceeding.

CHAPTER 40.—*Bribery of employees*

SECTION 439. *Offering bribes.*—Whoever gives, offers or promises to an agent, employee or servant, any gift or gratuity whatever, without the knowledge and consent of the principal, employer or master of such agent, employee or servant, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee or servant who without the knowledge and consent of his principal, employer or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner to his principal's, employer's or master's business; or an agent, employee or servant, who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or

furnishes such materials, supplies, or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

NOTE.—This section is constitutional. No right of the seller or of the employee is curtailed. It is an act to prevent secrecy and fraud, and is in accord with sound public policy. People *v.* Davis, 160 N. Y. Supp. 769.

CHAPTER 40.—*Employment of children—Certain occupations forbidden—Messenger service*

SECTION 485 (as amended 1916, ch. 278). *Acrobatic, etc., occupations.*—[This section forbids the employment of children under 16 in acrobatic, mendicant, etc., occupations, at rag picking, in theatrical exhibitions and the making of motion picture films, with exceptions as to the last two occupations if permits are obtained. The text of a similar law is found in Delaware Code, sec. 2223.]

SEC. 488. *Messenger boys.*—[It is a misdemeanor to knowingly send any messenger boy to a disorderly house except to deliver telegrams at the door.]

CHAPTER 40.—*Interference with employment—Coercion—Conspiracy*

SECTION 530. *Use of violence, etc.*—A person who with a view to compel another person to do or to abstain from doing an act which such other person has a legal right to or to abstain from doing, wrongfully and unlawfully—

1. Uses violence or inflicts injury upon such other person or his family, or a member thereof, or upon his property or threatens such violence or injury; or,

2. Deprives any such person of any tool, implement or clothing or hinders him in the use thereof; or,

3. Uses or attempts the intimidation of such person by threats or force,

Is guilty of a misdemeanor.

Workmen may meet and discuss questions affecting their welfare and take such action as seems to them best so long as it does not involve or tend to create a breach of the peace. They may decline to work unless their terms are complied with and may accost others and seek to persuade them to join in such action. But if these rights are enforced in an illegal manner, either aloue or in company with others, by the use of threats or violence the offender becomes liable to arrest to prevent a breach of the peace. 1 City Court Supp. 54.

[See also 4 N. Y. Cr. 317, cited under sec. 580, below.]

SEC. 580. *Interfering with trade, etc.*—If two or more persons conspire:

* * * * * * *

5. To prevent another from exercising a lawful trade or calling or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements, or property belonging to or used by another, or with the use or employment thereof;

* * * * * * *

Each of them is guilty of a misdemeanor.

A union provided by its by-laws that a member working for less than the fixed rate of wages should forfeit a sum as penalty, to be recovered by process of law. *Held,* in an action to recover such penalty, (a) That the association was not unlawful within the meaning of this section. (b) That such a by-law was not unlawful as made in restraint of trade. (c) That a penalty could properly be attached and an action maintained for its recovery. (d) It is not unlawful for any number of persons to make mutual agreements as to wages, but any association or combination for the purpose of compelling journeymeu or employers to conform to any rule or agreemeut fixiug the rate of wages to which they were not parties by the imposition of penalties, hy agreeing to quit the service of any employer who employs journeymen below certain rates, unless the journeyman pays the penalty imposed by the combiuation or by menaces, threats, intimidation, violence, or other unlawful means, is all indictable conspiracy. 2 Daly 1.

An indictment charging that certain parties conspired by force, threats, and intimidation to prevent a certain firm from exercising its lawful trade and calling; and by threats and threatening notices attempted to iutimidate certaiu employees and to constrain them against their own free will to quit their employment; and that assaults on its employees were committed, the shop beset and breaches of the peace committed in attempts to intimidate persons who desired to trade in the shop and prevent them from doing so, was held to sufficiently charge conspiracy and coercion under the above section and subdivision 1 and 3 of the law on coercion (see sec. 530,

above). Counts charging conspiracy against employer and employees may be properly joined. 4 N. Y. Cr. 317.

Interference by outside parties with employment, the terms of which are satisfactory to the employees, and attempts to enforce a boycott on an employer until he shall accede to the demands of such outside parties, are acts constituting offenses within this statute and at common law as well. Efforts by combinations of men to coerce workmen to join unions or to hinder them from obtaining work on account of not being members, or to interfere with the employers in the control of their lawful business by means of threats of injury or loss, or by interference with property are illegal. 30 Fed. 48.

An agreement between a labor organization and an employers' association not to employ any but members of said organization is, in effect, a threat to keep persons from working and to procure their discharge. Such a contract, or the rules of a labor organization are no defense in a suit for damages from loss of employment by conspiracy. 46 N. E. 297.

SEC. 582. *Assembling of workingmen.*— * * * The orderly and peaceable assembling or cooperation of persons employed in any calling, trade, or handicraft, for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy.

Peaceable withdrawal from employment for the purpose of improving or maintaining wages is not an offense within the provisions of sections 1 and 3. Section 3 does not authorize a combination of individuals to compel, by means condemned in section 1, workmen to join the organization, or to punish those who may be inimical thereto. 5 N. Y. Cr. 509.

A combination by workmen to drive out and prevent from working in a certain district an objectionable person, is a criminal conspiracy. 6 N. Y. Cr. 292.

An injunction should not be granted against a confederation of persons whose object it is to entice employees from service in the absence of proof of intended violence, intimidation, etc. The remedy is an action for damages. 9 Abb. New Cases, 393.

The fact that a contract between a labor organization and an employers' association had the proper object of avoiding disputes and conflicts does not legalize a plan compelling workmen not members of the union to join it on peril of discharge. 152 N. Y. 33.

An injunction will not lie against a body of workmen combined for the purpose of peaceably and without intimidation persuading their fellowcraftsmen to leave their employment in order to obtain an advance in wages, and they may lawfully pay the expenses of those who leave. 17 N. Y. Supp. 264.

A combination of manufacturers has the right to lock out all operatives connected with an association of employees because of demands which it considers unjust, made by such association upon a member of the combination of manufacturers, and the employees' association has an equal right to endeavor to persuade those who have been accustomed to deal with the manufacturers to discontinue their trade. 77 Hun, 215.

CHAPTER 40.—*Protection of employees as voters*

SECTION 772. *Attempting to influence vote.*—Any person or corporation who directly or indirectly:

* * * * * * *

3. Being an employer pays his employees the salary or wages due in "pay envelopes," upon which there is written or printed any political motto, device, or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees, or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employees reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employees,

Is guilty of a misdemeanor, and if a corporation shall in addition forfeit its charter.

CHAPTER 40.—*Employment of labor—False representations*

SECTION 939. *False recommendations.*—A person who obtains employment * * * by color or aid of any false or forged letter or certificate of recommendation, or of any false statement in writing, as to his name, residence, previous employment or qualification; * * * is guilty of a misdemeanor.

NOTE.—While a violation of this section is punishable as an offense, the status of employer and employee is not destroyed, though the contract is voidable at the option of the employer. Rights of beneficiaries under the compensation act are not invalidated by reason of such violation. Kenny v. Union R. Co., 152 N. Y. Supp. 117.

SEC. 950 (added 1911, ch. 575). *False statements a misdemeanor.*—Any person, firm, association, or corporation, or any employee or agent thereof,

who makes to any person furnishing or seeking employment any statement which is false, knowing the same to be false, in regard to any employment, work, or situation, its nature, location, duration, wages, or salary attached thereto, or the circumstances surrounding the said employment, work, or situation, or who shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor or such employment to be filled or shall misrepresent any other material matter in connection with said employment, work, or situation, and by reason of such statement, offer, holding out, or misrepresentation, any person shall seek employment, work, or situation, in respect to which such statement, offer, holding out, or misrepresentation was made, shall be guilty of a misdemeanor.

CHAPTER 40.—*Labor law—Violations*

SECTION 1270 (as amended 1921, ch. 68). *Hindering inspection.*—[Hindering the inspection of a mine, tunnel, or quarry, or refusing to comply with orders relative thereto, is punishable by a fine not less than $50, or imprisonment not less than 30 days.]

SEC. 1271 (as amended 1921, ch. 68). *Hours of labor.*—[Requiring more than eight hours' work on public works, or violating the law as to work time on street railways, or in brick yards, or on steam roads, is punishable by a fine, $500 to $1000 for each offense.]

SEC. 1272 (as amended 1909, ch. 205). *Payment of wages.*—[Corporations, joint-stock companies, or persons carrying on their business, failing to pay wages as provided by the labor law shall be fined $100 to $10,000 for each offense.]

SEC. 1274. *Fees in public employment offices.*—[Charging or receiving a fee for service in a free public employment office is a misdemeanor.]

SEC. 1275. *Violating rules, laws, etc.*—[Violations of the labor law, industrial code, or rules or regulations of the industrial board, or making false statements as to employment certificates, are punishable except as otherwise provided, for the first offense by a fine, $20 to $50; for second offense, $50 to $250, or imprisonment not over 30 days, or both; and for a third offense, by a fine of not less than $250 or imprisonment not over 60 days, or both.]

SEC. 1276 (as amended 1921, ch. 68). *Insecure scaffolding.*—[Violations of the law as to scaffolds, hoists, etc., in building work, are misdemeanors.]

SEC. 1277 (as amended 1921, ch. 68). *Protective flooring.*—[Failure to lay protective flooring in buildings under construction, as required, is punishable by a fine, $25 to $200.]

CHAPTER 40.—*Labor organizations—Using false credentials*

SECTION 1278. *Using false credentials, etc.*—Any person who represents himself or herself to be a member of, or who claims to represent a labor organization which does not exist within the State, at the time of such representation, or who has in his or her possession a credential, certificate, or letter of introduction bearing a fraudulent seal, or bearing the seal of a labor organization which has ceased to exist, and does not exist at the time of such representation, and attempts to gain admission by the use of said credential, certificate, or letter of introduction, as a member of any convention, or meeting of representatives of labor organizations of the State, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than twenty dollars nor more than fifty dollars, and imprisonment for not less than ten days nor more than thirty days in the jail of the county wherein such conviction is had, or by both such fine and imprisonment.

CHAPTER 40.—*Industry badges—Unauthorized use*

SECTION 1435 (added 1918, ch. 265). *Adoption; misuse.*—An employer of labor may adopt a badge, or other insignia of identification, to be worn or displayed by the employees for the purpose of identification while upon the premises of the employer and post a notice of the adoption of such badge, or insignia, near the main entrance of such premises. Such employer shall deposit with the industrial commission a replica of such badge or insignia, and such commission shall, if such badge or insignia be distinctive, issue to such employer a certificate authorizing the use thereof for the purposes of this section. Any person who, after the approval and adoption of such badge, or insignia, and posting

of such notice, without authority or permission of the employer adopting the same, willfully wears such badge, or displays such insignia, or any facsimile or any imitation thereof, or uses the same to obtain admittance to or remain upon the premises of the employer, is guilty of a misdemeanor.

CHAPTER 40.—*Railroads, etc.—Illiterate employees*

SECTION 1982 (as amended 1916, ch. 424). *Who must be able to read, etc.*—It shall be a misdemeanor for any person, firm, or corporation engaged in the operation of a railroad within this State, whereon steam or electricity is used as a motive power, to employ in or about the operation of any engine, train, or trains any engineer, assistant engineer, fireman, engine foreman, hostler, trainman, or flagman who is unable to read the time-tables of such railroad and ordinary handwriting in the English language or unable to speak, hear, and understand the English language, or to see and understand the signals required by the book of rules governing the operations of the engines and trains on such railroad; or for any person, firm, or corporation in his own behalf, or in the behalf of any other person or corporation, knowingly to employ or use a person so unable to read, speak, hear, and understand the English language, or to see and understand the signals aforesaid as such engineer, assistant engineer, fireman, engine foreman, hostler, trainman or flagman; or to employ a person as a telegraph operator who is under the age of eighteen years, or who has less than one year's experience in telegraphing, to receive or transmit a telegraphic message or train order for the movement of trains: *Provided, however*, That this section shall not apply to flagmen at street or highway crossings.

CHAPTER 40.—*Railroads—Employees' uniforms*

SECTION 1989. *Advising employees to leave service, etc.*—A person who:

1. Advises or induces anyone, being an officer, agent or employee of a railway company, to leave the service of such company, because it requires a uniform to be worn by such officer, agent or employee, or to refuse to wear such uniform, or any part thereof; or,

2. Uses any inducement with a person employed by a railway company to go into the service or employment of any other railway company, because a uniform is required to be worn; or,

3. Wears the uniform designated by a railway company without authority,

Is guilty of a misdemeanor.

CHAPTER 45.—*Manufactures in tenements*

SECTION 33. *Manufactures restricted.*—No room or apartment in a tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture, wholly or partly, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, purses, feathers, artificial flowers or cigars, except by the members of the family living therein, which shall include a husband and wife and their children, or the children of either. A family occupying or controlling such a workshop shall, within fourteen days from the time of beginning work therein, notify the board of health of the city, village or town, where such workshop is located, or a special inspector appointed by such board, of the location of such workshop, the nature of the work carried on, and the number of persons employed therein; and thereupon such board shall, if it deems advisable, cause a permit to be issued to such family to carry on the manufacture specified in the the notice. Such board may appoint as many persons as it deems advisable to act as special inspectors. Such special inspectors shall receive no compensation, but may be paid by the board their reasonable and necessary expenses. If a board of health or such inspector shall find evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, the board shall issue such orders as the public health may require, and shall condemn and destroy such infectious and contagious articles, and may, if necessary to protect the public health, revoke any permit granted by it for manufacturing goods in such workshop. If a board of health or any such inspector shall discover that any such goods are being brought into the State, having been manufactured, in whole or in part, under unhealthy conditions, such board or inspector shall examine such goods, and if they are found to contain vermin, or to have been made in improper places or under unhealthy

conditions, the board may make such orders as the public health may require, and may condemn and destroy such goods.

CHAPTER 45.—*Hours of labor of drug clerks—Grocery employees*

SECTION 236 (as amended 1914, ch. 514). *Work time; sleeping rooms.*—No apprentice or employee in any pharmacy or drug store shall be required or permitted to work more than seventy hours a week. Nothing in this section prohibits working six hours overtime any week for the purpose of making a shorter succeeding week: *Provided, however*, That the aggregate number of hours in any such two weeks shall not exceed one hundred and thirty-two hours. The hours shall be so arranged that an employee shall be entitled to and shall receive at least one afternoon and evening off in each week and in addition thereto shall receive one full day off in two consecutive weeks. No proprietor of any pharmacy or drug store shall require any clerk to sleep in any room or apartment in or connected with such store that does not comply with the sanitary regulations of the local board of health. The provisions of this section alone regulate working hours and sleeping apartments in pharmacies or drug stores.

SEC. 236-a (added 1915, ch. 343). *Same; grocery employees.*—No male apprentice or employee over the age of sixteen years in any grocery or provision store located or lying within the boundaries of any city of the first class shall be permitted to work more than seventy hours a week or more than eleven hours in any one day, except that on the last day of the week such employees may be permitted to work fifteen hours for the purpose of eliminating work on the first day of the week. Nothing herein shall be so construed as to require male apprentices or employees over the age of sixteen years in grocery or provisions stores to work on seven days in the week. The work hours shall be consecutive, allowing one hour for each meal. Nothing herein shall be so construed as to affect minors under the age of sixteen years or females of any age, or in any way to repeal or modify chapter three hundred and thirty-one of the laws of nineteen hundred and fourteen. No proprietor of any grocery or provision store located within the boundaries of any city of the first class shall permit any clerk to sleep in any room or apartment in or connected with such store which does not comply with the sanitary regulations of the local board of health: *Provided, however*, That this act shall not affect any proprietor or the family of such proprietor who reside in an apartment connected with such store, which apartment at the time of its building or erection was in conformity with the sanitary regulations of the local board of health. Failure to comply with any of the provisions of this section shall be deemed a misdemeanor.

CHAPTER 48.—*Railroads, etc.—Accidents—Safety appliances*

SECTION 47 (as amended 1921, ch. 134). *Accidents.*—[Railroads and street railways must report to the public service commission (or the transit commission in cities of more than 1,000,000 inhabitants) all accidents; and the commission may in its discretion investigate those causing loss of life or injury to person or property.]

SEC. 50. *Safety.*—[If in the judgment of the commission having jurisdiction changes in or additions to equipment, apparatus, etc., should reasonably be made to promote the security or convenience of the public or employees, it may, after hearing, issue orders therefor to be complied with in a reasonable time.]

CHAPTER 49.—*Street railways—Qualifications of employees*

SECTION 63. *Use of intoxicants; examination.*—Any railroad corporation may employ any inhabitant of the State, of the age of twenty-one years, not addicted to the use of intoxicating liquors, as a car driver, conductor, motorman, or gripman, or in any other capacity, if fit and competent therefor. All applicants for positions as motormen or gripmen on any street surface railroad in this State shall be subjected to a thorough examination by the officers of the corporation as to their habits, physical ability, and intelligence. If this examination is satisfactory, the applicant shall be placed in the shop or power house where he can be made familiar with the power and machinery he is about to control. He shall then be placed on a car with an instructor, and

when the latter is satisfied as to the applicant's capability for the position of motorman or gripman, he shall so certify to the officers of the company, and, if appointed, the applicant shall first serve on the lines of least travel. Any violation of the provisions of this section shall be a misdemeanor.

CHAPTER 49.—*Liability of railroad companies for injuries to employees*

SECTION 64. *Liability continued.*—In all actions against a railroad corporation, foreign or domestic, doing business in this State, or against a receiver thereof, for personal injury to, or death resulting from personal injury of any person, while in the employment of such corporation or receiver, arising from the negligence of such corporation or receiver or of any of its or his officers or employees, every employee, or his legal representatives, shall have the same rights and remedies for an injury, or for death, suffered by him, from the act or omission of such corporation or receiver or of its or his officers or employees, as are now allowed by law, and, in addition to the liability now existing by law, it shall be held in such actions that persons engaged in the service of any railroad corporation, foreign or domestic, doing business in this State, or in the service of a receiver thereof, who are intrusted by such corporation or receiver, with the authority of superintendence, control, or command of other persons in the employment of such corporation or receiver, or with the authority to direct or control any other employee in the performance of the duty of such employee, or who have, as a part of their duty, for the time being, physical control or direction of the movement of a signal, switch, locomotive engine, car, train, or telegraph office, are vice principals of such corporation or receiver, and are not fellow servants of such injured or deceased employee. If an employee, engaged in the service of any such railroad corporation, or of a receiver thereof, shall receive any injury by reason of any defect in the condition of the ways, works, machinery, plant, tools, or implements, or of any car, train, locomotive or attachment thereto belonging, owned or operated, or being run and operated by such corporation or receiver, when such defect could have been discovered by such corporation or receiver, by reasonable and proper care, tests or inspection, such corporation or receiver shall be deemed to have had knowledge of such defect before and at the time such injury is sustained; and when the fact of such defect shall be proved upon the trial of any action in the courts of this State, brought by such employee or his legal representatives, against any such railroad corporation or receiver, on account of such injuries so received, the same shall be prima facie evidence of negligence on the part of such corporation or receiver. This section shall not affect actions or causes of action existing on May twenty-ninth, nineteen hundred and six; and no contract, receipt, rule or regulation, between an employee and a railroad corporation or receiver, shall exempt or limit the liability of such corporation or receiver from the provisions of this section.

This section is applicable to street railways. 98 N. E. 664.

One voluntarily joining a relief association and using his option to accept benefits after the receipt of an injury can not recover under this section when the application for membership contains an agreement releasing the company if benefits are received, the acceptance and not the original agreement operating as the actual release. 101 N. E. 859.

SEC. 72 (as amended 1922, ch. 601). *Inspection of boilers.*—[Railroad corporations operating railroads not exceeding 50 miles in length, by steam power, and other corporations, etc., operating steam locomotives which at any time pass upon, over or parallel and immediately adjacent to the tracks of any railroad corporation within the State must provide for the inspection of the boilers, safety appliances, machinery and all appurtenances thereto of such locomotives. Inspection must be made quarterly by properly qualified persons, able to pass upon the strength, etc., and suitableness of boilers and equipment for use without hazard of life. Standards of materials, construction and equipment are prescribed. If the inspector approves, he is to issue a certificate, showing date of inspection, condition of boiler, etc., and such other details as the public service commission may prescribe. The commission may make rules to govern inspections and tests, and is charged with the enforcement of this law.]

SEC. 73 (as amended 1922, ch. 601). *Inspectors.*—[Inspectors of steam locomotives are to be appointed by the public service commission, competent for the duties of inspecting and testing locomotives and their appurtenances, using

hydrostatic tests, and performing such other duties as the commission directs. Locomotives of all corporations operating locomotives in the State either on railroads or on tracks parallel and adjacent thereto are subject to inspection; but this does not relieve from compliance with the preceding section.]

SEC. 74. *Boilers to be washed.*—It shall be the duty of every corporation operating a steam railroad, within this State, and of its directors, managers or superintendents, to cause the boiler of every locomotive used on such railroad to be washed out as often as once every thirty days, and to equip each boiler with and maintain thereon at all times, a water glass, showing the height of water in the boiler, having two valves or shut-off cocks, one at each end of such glass, which valves or shut-off cocks shall be so constructed that they can be easily opened and closed by hand; also to cause such valves or shut-off cocks and all gauge cocks or try-cocks attached to the boiler to be removed and cleaned whenever the boiler is washed out pursuant to the foregoing requirements of this section; also to keep all steam valves, cocks and joints, studs, bolts and seams in such repair that they will not at any time emit steam in front of the engineer, so as to obscure his vision. No locomotive shall hereafter be driven in this State unless the same is equipped and cared for in conformity with the provisions of this section; but nothing herein contained shall be construed to excuse the observance of any other requirement imposed by this chapter upon railroad corporations, their directors, officers, managers and superintendents. Every corporation, person or persons operating a steam railroad and violating any of the provisions of this section, shall be liable to a penalty of one hundred dollars for each offense, and the further penalty of ten dollars for each day that such violation shall continue. The public service commission shall enforce the provisions of this section.

SEC. 75. *Other devices.*—The public service commission may, on the application of any railroad corporation, authorize it to use any other safeguard or device approved by the commission, in place of any safeguard or device hereinbefore required by this article, which shall thereafter be used in lieu thereof, and the same penalties for neglect or refusal to use the same shall be incurred and imposed as for a failure to use the safeguard or device hereinbefore required, in lieu of which the same is to be used.

CHAPTER 49.—*Protection of employees on street railways*

SECTION 194. *Inclosures.*—[Vestibules inclosed so as to protect employees stationed on the front and rear platforms of street cars must be provided during the months December to March inclusive, except in the borough of Manhattan or Brooklyn. Similar laws apply to the counties of Albany, Rensselaer, Kings, and Queens.]

CHAPTER 74 (added 1921, ch. 121).—*Liability of employers for injuries*

SECTION 1. *Title.*—This chapter shall be known as the "employer's liability law."

SEC. 2. *Liability declared.*—When personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:

1. By reason of any defect in the condition of the ways, works, machinery, or plant, connected with or used in the business of the employer which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, machinery, or plant, were in proper condition;

2. By reason of the negligence of any person in the service of the employer intrusted with any superintendence or by reason of the negligence of any person intrusted with authority to direct, control, or command any employee in the performance of the duty of such employee. The employee, or in case the injury results in death, the executor or administrator of a deceased employee who has left him surviving a husband, wife, or next of kin, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer nor engaged in his work. The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of a deceased employee, suing under the provisions of this article. If an employer enters into a contract, written or verbal, with an independent contractor to do part of such

employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for the injuries to the employees of such contractor or subcontractor, caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him, and if such defect arose, or had not been discovered or remedied, through the negligence of the employer, or of some person intrusted by him with the duty of seeing that they were in proper condition.

Failure to supply dangerous machinery with the statutory guard causes a defect in conditions within the meaning of this section. 99 N. E. 81.

SEC. 3. *Notice.*—No action for recovery of compensation for injury or death under this article shall be maintained unless notice of the time, place and cause of the injury is given to the employer within one hundred and twenty days and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured or by some one in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in this section, he may give the same within ten days after such incapacity is removed. In case of his death without having given such notice, his executor or administrator may give such notice within sixty days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury if it be shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. If such notice does not apprise the employer of the time, place or cause of injury, he may, within eight days after service thereof, serve upon the sender a written demand for a further notice, which demand must specify the particular in which the first notice is claimed to be defective, and a failure by the employer to make such demand as herein provided shall be a waiver of all defects that the notice may contain. After service of such demand as herein provided, the sender of such notice may at any time within eight days thereafter serve an amended notice which shall supersede such first notice and have the same effect as an original notice hereunder. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served. The notice or demand may be served by post by letter addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation notice shall be served by delivering the same or by sending it by post addressed to the office or principal place of business of such corporation.

SEC. 4. *Risks assumed.*—An employee by entering upon or continuing in the service of the employer shall be presumed to have assented to the necessary risks of the occupation or employment and no others. The necessary risks of the occupation or employment shall, in all cases arising after the first day of September, 1910, be considered as including those risks, and those only, inherent in the nature of the business which remain after the employer has exercised due care in providing for the safety of the employees, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employees. In an action brought to recover damages for personal injury or for death resulting therefrom received after the first day of September, 1910, owing to any cause, including open and visible defects, for which the employer would be liable but for the hitherto available defense of assumption of risk by the employee, the fact that the employee continued in the service of the employer in the same place and course of employment after the discovery by such employee, or after he had been informed of the danger of personal injury therefrom shall not be, as matter of fact or as matter of law, an assumption of the risk of injury therefrom, but an employee, or his legal representative, shall not be entitled under this article to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury and failed, within a reasonable time, to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer, or who had intrusted to him some superintendence, unless it shall appear on the trial that

such defect or negligence was known to such employer, or superior person, prior to such injuries to the employee; or unless such defect could have been discovered by such employer by reasonable and proper care, tests or inspection.

SEC. 5. *Contributory negligence.*—On the trial of any action brought by an employee or his personal representative to recover damages for negligence arising out of and in the course of such employment, contributory negligence of the injured employee shall be a defense to be so pleaded and proved by the defendant.

SEC. 6. *Insurance fund.*—An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries, for which compensation may be recovered under this article, or to any relief society or benefit fund created under the laws of this State, may prove in mitigation of damages recoverable by an employee under this article such proportion of the pecuniary benefit which has been received by such employee from such fund or society on account of such contribution of the employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SEC. 17. *Construction.*—* * * Nothing contained in this chapter shall apply to employers or employees in hazardous occupations as such occupations are defined by the workmen's compensation law.

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 1391 (as amended 1911, ch. 532). *Amount.*—[If a creditor secures judgment against a wage earner who then or thereafter has due him wages in the amount of $12 or more per week, he may have execution in the amount of ten per cent of such wages as a continuing levy until the judgment is satisfied. Only one execution shall be satisfied at one time.]

SEC. 1879. *Same.*—[Judgment creditors may not seize the earnings of a debtor for personal service for the 60 days before the commencement of the action, where it is made to appear that such earnings are necessary for the use of a dependent family.]

NORTH CAROLINA

CONSOLIDATED STATUTES—1919

Wages as preferred claims—In administration, etc.

SECTION 93. *Administration.*—[Wages for not more than one year rank next after debts secured by a specific lien, funeral expenses, taxes assessed previous to the death of the employee, dues to the State and the United States, and judgments docketed and in force. Medical services for the year past are in the same class as wages.]

SEC. 1140. *Foreclosure of mortgages.*—[Mortgages on the property of corporations can not defeat judgments for labor or clerical services performed.]

SEC. 1197. *Insolvency.*—[The assets of an insolvent corporation are subject to a first and prior lien, superior to all others, for two months' wages of laborers, workmen, and all persons doing labor or service in the regular employment of the corporation.]

Railroad construction—Wages due by contractors

SECTION 2444. *Action against company.*—[Laborers employed by contractors for the construction of any part of a railroad may give notice to the company of indebtedness for not over 30 days' labor, whereupon the company becomes liable for the payment of such wages. Notice must be given within 20 days after the performance of the work for which payment is sought, and may be served on the agent in charge of the section of the road on which the labor was performed. Action must be commenced within 90 days of such notice.]

NOTE.—This provision applies to logging railroads. Carter *v.* Lumber Co., 160 N. C. 8.

Liability of railroad companies for injuries to employees

SECTION 3465. *Acts of fellow-servants, etc.*—Any servant or employee of any railroad company operating in this State who shall suffer injury to his person, or the personal representative of any such servant or employee who shall have suffered death in the course of his services or employment with such company, by the negligence, carelessness or incompetence of any other servant, employee or agent of the company, or by any defect in the machinery, ways or appliances of the company, shall be entitled to maintain an action against such company. Any contract or agreement, expressed or implied, made by any employee of such company to waive the benefit of this section shall be null and void.

This law, where it applies, has the effect of making all coemployees of railroad companies agents and principals of the company so far as fixing its liability for their neglect is concerned. 54 S. E. 391.

Within the limits set by this statute the defense of assumption of risks is abrogated. 52 S. E. 129.

It applies to logging roads. 54 S. E. 795. And to street railways. 68 S. E. 215.

SEC. 3466. *Negligence of officers, etc.*—Every common carrier by railroad shall be liable in damages to any person suffering injury while he is employed by such carrier, or in the case of the death of such employee, to his or her personal representative, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engine, appliances, machinery, track, road bed, works, boats, wharves, or other equipment.

SEC. 3467. *Contributory negligence to be measured.*—In all actions hereafter brought against any common carrier by railroad to recover damages for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Pro-*

vided, however, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 3468. *Assumption of risk.*—In any action brought against any common carrier under or by virtue of any of the provisions of this article to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee, or the death or injury was caused by negligence.

SEC. 3469. *Contracts exempting from liability.*—Any contract, rule, regulation or device whatsoever, the purpose and intent of which shall be to enable any common carrier by railroad to exempt itself from any liability created by this article, shall to that extent be void: *Provided*, That in any action brought against such common carrier, under and by virtue of any of the provisions of this article, such common carrier may set off therein any sum it has contributed or paid to any insurance or relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which such action was brought.

SEC. 3470. *Logging roads.*—The provisions in this article relating to liability for damages shall also apply to logging roads and tramroads.

Protection of employees on street railways

SECTION 3541. *Vestibules.*—[Passenger cars must have vestibule fronts, of not less than four feet frontage, from November 15 to March 30. Sides need not be inclosed. Temporary emergency use of cars without vestibules is allowed during suitable weather.]

Protection of employees as voters

SECTION 4185. *Discharge, etc.*—Any person who shall in connection with any primary, special, general or other election in this State do any of the acts and things declared in this section to be unlawful shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful—

* * * * * * *

6. For any person to directly or indirectly discharge, or threaten to discharge, from employment, or otherwise intimidate or oppress, any legally qualified voter on account of any vote such voter may cast, or consider casting, or intend to cast or not to cast, or which he may have failed to cast.

Employment of children—Enticing out of State

SECTION 4222. *Act forbidden.*—[It is forbidden to employ any minor and carry or induce him to go beyond the limits of the State without the consent of parents or guardian in writing, duly authenticated.]

Contract of employment with intent to defraud

SECTION 4281. *Fraudulent contract.*—If any person, with intent to cheat or defraud another, shall obtain any advances in money, provisions, goods, wares, or merchandise of any description from any other person or corporation upon and by color of any promise or agreement that the person making the same will begin any work or labor of any description for such person or corporation from whom the advances are obtained, and the person making the promise or agreement shall willfully fail, without a lawful excuse, to commence or complete such work according to contract, he shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Evidence of such promise or agreement to work, the obtaining of such advances thereon and the failure to comply with such promise or agreement shall be presumptive evidence of the intent to cheat and defraud at the time of obtaining the advances and making the promise or agreement, subject to be rebutted by other testimony which may be introduced by the defendant.

This statute, prior to the amendment which added the last sentence, was declared constitutional. State *v.* Norman, 110 N. C. 484, 14 S. E. 968. But this amendment was declared invalid as exposing the defendant to conviction for fraud on a simple showing of breach of contract. State *v.* Griffin, 154 N. C. 611, 70 S. E. 292.

Employment of children—Fraudulent contracts—Supporting parents in idleness

SECTION 4446. *Fraud.*—[Contractors for piecework who employ minors to assist them, contracting with intent to defraud, and failing to pay for the services rendered, are guilty of a misdemeanor.]

SEC. 4459. *Vagrancy.*—[An able-bodied man living on the wages or earnings of a mother, wife, or minor child other than a male child over 18, is declared a vagraut.]

Interference with employment—Enticing employees

SECTION 4469. *Procuring violation of contract, etc.*—If any person shall entice, persuade and procure any servant by indenture, or any servant who shall have contracted in writing or orally to serve his employer, to unlawfully leave the service of his master or employer; or if any person shall knowingly and unlawfully harbor and detain, in his own service and from the service of his master or employer, any servant who shall unlawfully leave the service of such master or employer, then, in either case, such person and servant shall be guilty of a misdemeanor and shall be fined not exceeding one hundred dollars or imprisoned not exceeding six months.

The mere fact of employing one whose contract with another has not expired is not an offense under this section, but it must appear that there was an actual enticement or persuasion. State *v.* Holly, 152 N. C. 839, 67 S. E. 53.

Bribery, etc., of employees

SECTION 4475. *Offering bribes.*—Any person who gives, offers or promises to an agent, employee or servant any gift or gratuity whatever with intent to influence his action in relation to his principal's, employer's or master's business; any agent, employee or servant who requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business; any agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives, directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus, shall be punished in the discretion of the court.

SEC. 4476. *Giving evidence.*—No person shall be excused from attending, testifying, or producing books, papers, contracts, agreements, and other documents before any court, or in obedience to the subpœna of any court, having jurisdiction of the crime denounced in the preceding section, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or to subject him to a penalty or to a forfeiture; but no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before such court or in obedience to its subpœna or in any such case or proceeding: *Provided*, That no person so testifying or producing any such books, papers, contracts, agreements, or other documents shall be exempted from prosecution and punishment for perjury committed in so testifying.

Blacklisting

SECTION 4477. *Blacklisting forbidden.*—If any person, agent, company, or corporation, after having discharged any employee from his or its service, shall prevent or attempt to prevent, by word or writing of any kind, such discharged employee from obtaining employment with any other person, company, or corporation, such person, agent, or corporation shall be guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars; and such person, agent, company, or corporation shall be liable in penal damages to such discharged person, to be recovered by civil action. This section shall not be construed as prohibiting any person or agent of any company or corpora-

tion from informing, in writing, upon request, any other person, company, or corporation to whom such discharged person or employee has applied for employment, a truthful statement of the reason for such discharge.

SEC. 4478. *Agreement to blacklist.*—It shall be unlawful for two or more persons to agree together to blacklist any discharged employee or to attempt, by words or writing or any other means whatever, to prevent such discharged employee, or any employee who may have voluntarily left the service of his employer, from obtaining employment with any other person or company. Persons violating the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned, or both, at the discretion of the court.

A statement as to the standing of a discharged employee is not privileged unless made on request; and whether privileged or not, if it is made maliciously, and the employer has thereby prevented or attempted to prevent the reemployment of the discharged employee, penal damages may be awarded. 75 S. E. 34.

Payment of wages in scrip

SECTION 4479. *Scrip to be transferable.*—If any person who employs laborers by the day, week, or month shall issue in payment for the services of such laborers any ticket, certificate, or other script [scrip] bearing upon its face the word "nontransferable," or shall issue such ticket, certificates, or other script [scrip] in any form that would render it void by transfer from the person to whom issued, or shall refuse to pay to the person holding the same its face value, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars for each offense, or imprisoned not more than thirty days.

This statute does not authorize the assignee of scrip payable in merchandise to demand and receive payment in money. 112 N. C. 164.

Employment of children—General provisions

SECTION 5031. *Child welfare commission.*—The State superintendent of public instruction, the secretary of the State board of health, and the commissioner of public welfare of the State of North Carolina are hereby constituted the State child welfare commission, and they shall serve without additional compensation. It shall be the duty of this commission to make and formulate such rules and regulations for enforcing and carrying out the provisions of this article, and of the laws relating to seats for women employees and the laws requiring separate toilets for sexes and races, as in its judgment it shall deem necessary.

SEC. 5032. *Age.*—[No child under 14 may be employed in any mill, factory, cannery, workshop, laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, bootblack stand, stable, garage, place of amusement, brickyard, lumber yard, or in messenger or delivery service, except as the commission may prescribe.]

SEC. 5033. *Night work; mines.*—[No child under 16 may work at the above occupations between 9 p. m. and 6 a. m. nor in or about any quarry or mine.]

SEC. 5034. *Certificates.*—[Certificates of children under 16 procured in good faith under such conditions as the commission may prescribe, and kept on file, shall be prima facie evidence of the age of the child. False statements are forbidden.]

SEC. 5035. *Agents.*—[The commission may appoint agents for the enforcement of this law, and may also use school attendance officers.]

SEC. 5036. *Inspection.*—[The commission and its agents may enter all places of employment for the purpose of inspection and the enforcement of this law.]

SEC. 5038. *Penalty.*—Any person, firm, or corporation violating any of the provisions of this article, or of the laws relating to seats for women employees or of the laws requiring separate toilets for sexes and races, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, within the discretion of the court.

Factory, etc., regulations—Fire escapes, etc.

SECTION 6083 (as amended 1923, ch. 149). *Doors to open outward.*—In all * * * factories with more than ten employees * * * the doors for ingress and egress shall be so hung as to open outwardly from the * * * workshops of such buildings or places, or the doors may be hung on double hinges, so as to open with equal ease outwardly or inwardly. * * *

SEC. 6084 (as amended 1923, ch. 149). *Fire escapes.*—[All factories, manufacturing establishments, or workshops of three or more stories in height, in which ten or more people are employed above the first floor thereof, shall be provided with one or (if the proper official shall deem necessary) more outside fire-escapes, properly and safely constructed and guarded, and accessible from doors or windows, which must be kept unobstructed. Every story of factories, etc., three or more stories in height must be supplied with means for extinguishing fires. All main doors, both inside and outside, except fire doors, must open outward when officials so direct, and no door may be locked or otherwise fastened during work hours.]

SEC. 6085 (as amended 1923, ch. 149). *Means of egress.*— * * * Every building in which twenty or more persons are employed * * * above the second story in a factory, workshop, or mercantile or other establishment, when the owner or agent of the owner of the building is notified in writing by the insurance commissioner or one of his deputies, shall be provided with proper ways of egress or other means of escape from fire sufficient for the use of all persons * * * employed * * * in such building or buildings, and such ways of egress and means of escape shall be kept free from obstruction, in good repair, and ready for use. Every room above the second story in any such building in which twenty or more persons are employed shall be provided with more than one way of egress by stairways on the inside or outside of the building. All doors in any building subject to the provisions of this article shall open outwardly, if the insurance commissioner or one of his deputies shall so direct in writing.

Employment of labor—Miscellaneous provisions

SECTION 6554. *Work time.*—Sixty hours shall constitute a week's work in all factories and manufacturing establishments of the State, and no minor nor woman shall be worked in such factory or establishment a longer period than sixty hours in one week and no adult male shall be worked in such factory or establishment for a longer period than sixty hours in one week unless there shall be a written contract entered into between said adult male and his employer to that effect in which the employer shall agree to pay said adult male extra compensation for extra hours he may work. No employee in any factory or manufacturing establishment in this State shall be worked exceeding eleven hours in any one day: *Provided*, This section shall not apply to engineers, firemen, superintendents, overseers, section and yard hands, office men, watchmen or repairers of breakdowns.

Seats for female employees

SECTION 6555. *Seats to be provided.*—All persons, firms, or corporations who employ females in a store, shop, office, or manufacturing establishment, as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated in the State of North Carolina, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests, or stools as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such seats, stools, or rests when any such female employee or employees are not actively employed or engaged in their work in such business or employment.

[Violations are punishable by fines, $25 to $100.]

Accidents in factories—Provisions for first aid

SECTION 6556. *Medical, etc., supplies required.*—Every person, firm, or corporation operating a factory or shop employing over twenty-five laborers, in which machinery is used for any manufacturing purpose, or for any purpose except for elevation or for heating or hoisting apparatus, shall at all times keep and maintain free of expense to the employees a medical or surgical chest which shall contain two porcelain pans, two tourniquets, gauze, absorbent cotton, adhesive plasters, bandages, antiseptic soap, one bottle of carbolic acid with directions on bottle, one bottle antiseptic tablets, one pair of scissors, one folding stretcher, all of which shall not cost to exceed ten dollars, for the treatment of persons injured or taken ill upon the premises. Any person, firm, or corporation violating this section shall be subject to a fine of not less than five dollars or more than twenty-five dollars for every week during which such violation continues.

Railroads—Shelters for employees at division points

SECTION 6557. *Shelters required.*—It shall be the duty of every person, firm, or corporation that may now or hereafter own, control, or operate any line of railroad in the State of North Carolina, to erect and maintain at every division point where cars are regularly taken out of trains for repairs or constuction work, or where other railroad equipment is regularly made, repaired, or constructed, a building or shed with a suitable and sufficient roof over the repair and construction track or tracks so as to provide that all men or employees permanently employed in the construction and repair of cars, trucks, or other railroad equipment of whatever description shall be under shelter and protected during snows, rains, sleets, hot sunshine, and other inclement weather: *Provided*, The corporation commission shall have the power to direct the points at which sheds shall be erected, and the character of the sheds: *Provided further*, That such order shall only be made after a hearing of which public notice shall have been given.

[Violation is punishable by a fine, not less than $100 nor more than $500, each day's failure to comply being a separate offense.]

Payment of wages to railroad employees

SECTION 6558. *Scope of law.*—All persons, firms, companies, corporations, or associations owning, leasing, or operating any railroad, or railroads, wholly or partially within this State, shall pay and settle with their employees engaged or employed in shops, roundhouses, or repair shops within this State at least twice in each month, which settlements shall not be less than two weeks nor more than three weeks apart, and shall in such settlements, pay such employees the full amounts due them for their work and services up to the date of the preceding settlement, and such payment shall be made in lawful money of the United States, or by check or cash order redeemable by the maker thereof for its face value in lawful money of the United States upon demand of or presentation by the lawful holder thereof: *Provided*, This section shall not apply to repair shops where less than ten employees are engaged.

Factory, etc., regulations—Toilets

SECTIONS 6559–6563. *Supply, location, etc.*—[Employers of more than two males and females in indoor work mainly, in towns and cities of 1,000 population or more, must provide properly kept toilets for the races and for both sexes, located in separate places in the buildings or grounds, and shut off by substantial walls. Failure to provide entails a penalty of $5 for each day's continuance. Town and city police and county sheriffs are charged with the enforcement of the law.]

SEC. 6564. *Exemptions.*—This article shall not apply to Sampson, Harnett, Lee, Johnston, Northampton, Cleveland, Rutherford, Polk, and Henderson Counties.

Suits for wages—Unlawful assignments, etc.

SECTION 6568. *Sending claims outside of State.*—[Resident creditors are forbidden to send out of the State or assign a claim against a resident employee of a railroad company with the intent of depriving him of the benefit of the exemption laws of the State.]

Mine regulations

SECTIONS 6897–6909. *Employment; safety.*—[Minors under 16 may not be employed in any mine. Timber must be furnished, unused underground entrances fenced, and at least two outlets provided. Hoisting, ventilation, and the use of safety lamps are regulated. Daily examinations must be made before men begin work. Notice must be given of accidents causing personal injury or loss of life; also of the opening and closing of mines. Failure to comply with the act entails liability for resultant injuries, and also subjects to penalties.]

SECS. 6910–6919. *Inspection.*—[Inspection of mines employing more than 10 men is to be made by the commissioner of labor and printing, who is to enforce the law, investigate accidents and make annual reports to the governor of his proceedings in this connection.]

Department of labor and printing

SECTION 7309. *Department created.*—A department of labor and printing is hereby created and established. The duties of the department shall be exercised and discharged by a commissioner, who shall be designated as commissioner of labor and printing, and an assistant commissioner, who shall be appointed by the commissioner, and who shall be a practical printer.

SEC. 7310. *Commissioner.*—The commissioner shall be elected by the people in the same manner as is provided for the election of the secretary of state. His term of office shall be four years. The office of the department shall be kept in the city of Raleigh and same shall be provided for as are other public offices of the State. The assistant commissioner shall perform the duties of the commissioner in his absence from office or in case of a vacancy therein.

SEC. 7311. *Duties and powers.*—The commissioner, aided by the assistant commissioner, shall collect and collate information and statistics concerning labor and its relation to capital, the hours of labor, the earnings of laborers and their educational, moral, and financial condition, and the best means of promoting their mental and moral and material welfare; shall also collect and collate information and statistics concerning the various mining, milling and manufacturing industries in this State, their location, capacity, and actual output of manufactured products, the kind and quantity of raw material annually used by them and the capital invested therein; shall also collect and collate information and statistics concerning the location, estimated and actual horsepower, and conditions of valuable water powers, developed and undeveloped, in this State; also concerning farm lands and farming, the kinds, character and quantity of the annual farm products in this State; also of timber lands and timbers, truck gardening, dairying, and such other information and statistics concerning the agricultural and industrial welfare of the citizens of this State as he may deem to be of interest and benefit to the public, and shall also perform the duties of mine inspector as prescribed in the chapter entitled Mines; and shall have the powers and perform the duties in relation to the public printing that are set forth in this chapter.

SEC. 7312. *Reports.*—The commissioner shall annually publish a report embodying therein such information and statistics as he may deem expedient and proper, which report shall be printed and paid for by the State just as the reports of other public officers are printed and paid for. The number of copies of such report to be printed to be designated by the commissioner. The distribution of the reports will be paid for from the general fund and not from the appropriation. The commissioner shall send or cause to be sent a copy of the report to every newspaper in this State and a copy to each member of the general assembly; a copy to each of the several State and county officers; a copy to each labor organization in the State and a copy to any citizen who may apply for the same either in person or by mail, and he may also send a copy to such officers of other States and Territories and to such corporations or individuals in other States and Territories as may apply for the same or as he may think proper. He shall also make a full report to the governor as other State officers are required to do, embodying therein such recommendations as he may deem calculated to promote the efficiency of his department.

ACTS OF 1921

CHAPTER 131.—*Free public employment offices*

SECTION 1. *Office established.*—In order to promote the establishment and maintenance of free employment offices for men, women, and juniors who are legally qualified, seeking employment, and for employers desiring workers, there is hereby erected in the department of labor and printing a free employment bureau. It shall be in charge of the commissioner of labor and printing, who shall appoint an assistant, whose duties shall be to supervise the work of said bureau and its branch offices, under the direction of the commissioner, and who shall receive an annual salary to be fixed by the commissioner of labor and printing, the governor, and the Director-General of the United States Employment Service. There shall also be appointed in said bureau, by the commissioner of labor and printing, such assistants and other employees as are necessary to carry out the provisions of this act.

SEC. 2. *Places.*—It shall be the duty of the commissioner of labor and printing, and he shall have the power, jurisdiction, and authority:

(a) To establish and conduct free employment offices in the State where, in the opinion of the commissioner, such action may be deemed advisable and expedient; to in all proper ways within the limitations of this act to bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means to avoid unemployment; to cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment.

(b) To establish and maintain such sections of the employment service as will best serve the public welfare.

SEC. 3. *Veterans.*—The employment bureau hereby created shall cooperate with the Federal Board for Vocational Education division for rehabilitation of crippled soldiers and sailors in endeavoring to secure suitable employment and fair treatment of the veterans of the World War.

SEC. 4. *Minors.*—The employment bureau shall have jurisdiction over all matters contemplated in this act pertaining to securing employment for all minors who avail themselves of the free employment service; to so conduct its affairs that at all times it shall be in harmony with laws relating to child labor and compulsory education; to aid in inducing minors over sixteen, who can not or do not for various reasons attend day school, to undertake promising skilled employment; to aid in influencing minors who do not come within the purview of compulsory education laws, and who do not attend day school, to avail themselves of continuation or special courses in existing night schools, vocational schools, part-time schools, trade schools, business schools, library schools, university extension courses, etc., so as to become more skilled in such occupation or vocation to which they are respectively inclined or particularly adapted; to aid in securing vocational employment on farms for town and city boys who are interested in agricultural work, and particularly town and city high-school boys who include agriculture as an elective study; to cooperate with various social agencies, schools, etc., in group organization of employed minors, particularly those of foreign parentage, in order to promote the development of real, practical Americanism through a broader knowledge of the duties of citizenship; to investigate methods of vocational rehabilitation of boys and girls who are maimed or crippled, and ways and means for minimizing such handicap.

SEC. 5. *Information.*—Said employment bureau shall make public, through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. Said bureau shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economic developments, and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

SEC. 6. *Corporation.*—The commissioner of labor and printing is hereby authorized to enter into agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and for the extension of vocational guidance to minors. The commissioner is likewise authorized, with the advice of the governor, to enter into such cooperative agreement as may be deemed desirable with the United States Employment Service, or such bureau of the United States Department of Labor as the Secretary thereof may hereafter designate, or other Federal agency as Congress may hereafter authorize, for the purpose of securing financial aid from the United States Government for the establishment and maintenance of free employment service and the extension of vocational guidance to minors, and under and by virtue of any such agreement as aforesaid to pay, from any funds appropriated by the State for the purposes of this act, any part of the whole of the salaries, expenses or rent, maintenance, and equipment of offices and other expenses.

SEC. 7. *Gifts.*—It shall be lawful for the commissioner of labor and printing to receive, accept, and use, in the name of the people of the State, or any community or municipal corporation, as the donor may designate, by gift or device, any moneys, buildings, or real estate for the purpose of extending the benefits

of this act, and for the purpose of giving assistance to deserving maimed or crippled boys and girls through vocational rehabilitation.

SEC. 8. *Municipal action.*—It shall be lawful for the governing authorities of any municipality, county, township, or school corporation in the State to enter into cooperative agreement with the commissioner of labor and printing, and to appropriate and expend the necessary money, and to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon, and which will further the purpose of this act.

SEC. 9. *Appropriation.*—For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general funds of the State not otherwise appropriated the sum of ten thousand dollars per annum. Upon the certificate of the commissioner of labor and printing, the auditor is hereby directed to audit and the treasurer to pay expenses of said free employment service not exceeding the sum of ten thousand dollars ($10,000) per annum.

ACTS OF 1923

CHAPTER 122.—*Department of labor and printing—Division for the deaf*

SECTIONS 1–5. *Division created; functions.*—[This act provides for a bureau of labor for the deaf, with "a competent deaf man" as its chief, who shall collect statistics of the deaf, ascertain what trades or occupations are most suitable for them, and aid in securing employment for them. He is also to investigate the matter of education of the deaf with a view to their usefulness and happiness. He may be assigned other duties if his time is not thus fully occupied.]

CONSTITUTION

ARTICLE II.—*Local and special laws regulating labor, etc.*

SECTION 29. *Legislation forbidden.*—The general assembly shall not pass any local, private or special act or resolution: * * * Regulating labor, trade, mining or manufacturing * * *

NORTH DAKOTA

CONSTITUTION

Interference with employment

SECTION 23. *Employment to be free.*—Every citizen of this State shall be free to obtain employment wherever possible, and any person, corporation or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

Department of agriculture and labor—Commissioner

SECTION 82. *Commissioner to be elected.*—There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislative assembly, * * * one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of State electors. They shall severally hold their offices at the seat of government, for the term of two years and until their successors are elected and duly qualified, * * *

Employment of children

SECTION 209. *Age limit.*—The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this State.

Blacklisting

SECTION 212. *Blacklisting prohibited.*—The exchange of "black lists" between corporations shall be prohibited.

REVISED CODES OF 1905

POLITICAL CODE

Department of agriculture and labor—Commissioner

SECTION 127. *Duty of commissioner.*—It shall be the duty of the commissioner of agriculture and labor to collect, systematize and present in biennial reports to the legislative assembly statistical details relating to all labor departments in the State, such as hours and wages of labor, the estimated number of persons employed by the several industries within the State, the operation of labor-saving machinery and its relation to hand labor, a description of the different kinds of labor organizations in existence in this State, and what they have accomplished in favor of the class for which they were organized. Such statistics may be classified as the commissioner of agriculture and labor deems best.

SEC. 128. *Duty of officials.*—It shall be the duty of all State, county, township, and municipal officers to furnish upon the written request of the commissioner of agriculture all the information in their power necessary to assist in carrying out the objects of this article. For the purpose of obtaining statistics relating to manufactures and mining the commissioner of agriculture shall procure in a manner that may seem best to him, the names and addresses of all the manufacturers and mine owners and operators in the State, and shall transmit by mail to each owner, operator or manager of each shop, mill, manufacturing establishment or mine, not later than the first day of July of each year, suitably prepared blanks embodying inquiries into the subjects upon which the commissioner is required or authorized to prepare statistics, which blanks shall

be filled out complete and returned to the commissioner not later than the first day of August following. The information so obtained shall be preserved, systematized and tabulated by the commissioner, but no information concerning the business or affairs of any individual, firm, company or corporation shall be divulged or in any manner made public by the commissioner or any one in the employ of his office, and any violation of this provision shall subject the party violating to a fine of not more than five hundred dollars or to imprisonment of not more than one year, or both such fine and imprisonment. The refusal or neglect of any such owner, operator or manager of any shop, mill, manufacturing establishment or mine to supply the information asked by the commissioner within the time designated shall be construed as a violation of section one hundred and twenty-nine and shall subject the party so offending to the penalties therein prescribed: *Provided*, That no prosecution shall be begun against such persons for such neglect or refusal until at least twenty days after a second notice and blank shall have been mailed them by the commissioner.

Sec. 129. *Obstructing commissioner.*—Any person who willfully impedes or obstructs the commissioner in the full and free performance of his duties shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not less than ten nor more than fifty dollars, or by imprisonment of not less than seven nor more than thirty days in the county jail, or by both. The refusal or neglect of any person for himself or for any person, firm, company or corporation of which he may be a member or agent, to furnish the information or statistical statement required to be furnished to assessors, shall be construed to be a violation of the provisions of this section, and it is hereby made the duty of the county auditor to report such violation with the names and post-office address and place of residence of the violator as furnished him by the assessor to the State's attorney for the county in which such violation occurred, and the State's attorney shall forthwith proceed to enforce the penalty provided in this section against such persons; and he is hereby authorized to subpœna the assessor and such other witnesses as may be necessary, and to introduce the assessor's returns in evidence.

Sec. 130. *Power.*—He shall have power to send for persons, books and papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being hereby authorized to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in his office.

Sec. 134. *Coal mining.*—The commissioner shall report to the legislative assembly the number of coal mines being operated within the State, the number of tons of coal being mined annually, the number of persons employed in coal mining, the wages paid coal miners, and the cost per ton to mine coal at the different mines. The commissioner is hereby authorized to give out to the press of this or other States at any time such parts of any reports in course of preparation as may be sufficiently concluded to admit of publication, or such information regarding the statistics of the State as may in his judgment be of interest or value to the people the design being to furnish to the people through the press as fresh information regarding the State and its industries and condition as possible without awaiting the official publication through biennial or other reports.

Sec. 135. *Salary.*—The commissioner of agriculture and labor shall receive an annual salary of two thousand dollars.

Inspection and regulation of factories—Fire escapes—Doors to open outward

Sections 2175, 2176. *Provisions required.*—[Owners and proprietors of factories, etc., over two stories in height, must provide safe and suitable fire escapes from all rooms above the second story, under penalty of $25 for each room not provided for.]

Sec. 2177. *Doors to open outward.*—All doors of ingress and egress in all buildings used for * * * factories, * * * wherein numbers of persons are employed * * * shall be so constructed as to open and swing outward, and doorways shall not be less than four feet in width, with proper landings and stairways of at least equal width.

Sec. 2178. *Who to make changes.*—It shall be the duty of all persons owning or having charge of such buildings, * * * to comply with the provisions of the last section * * *.

SEC. 2179. *Penalty.*—Any person failing to comply with the provisions of * * * [section 2177], or who shall build, maintain or permit to be used any such building contrary to the provisions hereof shall be deemed guilty of a misdemeanor.

CIVIL CODE

Liability of employers for injuries to employees

SECTION 4400. *Negligence of coemployees on railroads.*—Every railroad company organized or doing business in this State shall be liable for all damages done to any employee of such company, in consequence of any negligence of its agents, or by any mismanagement of its engineers, or other employees, to any person sustaining such damage; and no contract which restricts such liability shall be legal or binding.

SEC. 5392. *Want of care, etc.*—Everyone is responsible not only for the result of his willful acts, but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person, except so far as the latter has willfully or by want of ordinary care, brought the injury upon himself. * * *

Employment of labor—General provisions

SECTION 5542. *Definition.*—The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer or a third person.

SEC. 5543. *Employee to be indemnified when.*—An employer must indemnify his employee except as prescribed in the next section for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such or of his obedience to the directions of the employer, even though unlawful, unless the employee at the time of obeying such directions believed them to be unlawful.

SEC. 5544. *Ordinary risks.*—An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless he has neglected to use ordinary care in the selection of the culpable employee.

SEC. 5545. *Employer's negligence.*—An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

Sections 5544 and 5545 are an enactment of the common law and do not change the rule as to the liability of employers. 3 Dak. 38.

SEC. 5546. *Service without consideration.*—One who without consideration undertakes to do a service for another is not bound to perform the same, but if he actually enters upon its performance he must use at least slight care and diligence therein.

SEC. 5547. *Employment on request.*—One who by his own special request induces another to intrust him with the performance of a service must perform the same fully. In other cases one who undertakes a gratuitous service may relinquish it at any time.

SEC. 5549. *Service for reward.*—One who for a good consideration agrees to serve another must perform the service and must use ordinary care and diligence therein so long as he is thus employed.

SEC. 5550. *Service for personal advantage.*—One who is employed at his own request to do that which is more for his own advantage than for that of his employer must use great care and diligence therein to protect the interests of the latter.

SEC. 5551. *Limit of term of contract.*—A contract to render personal service, other than a contract of apprenticeship, as provided in the chapter on master and servant, can not be enforced against the employee beyond the term of two years from the commencement of service under it, but if the employee voluntarily continues his service under it beyond that time the contract may be referred to as affording a presumptive measure of the compensation.

SEC. 5552. *Obedience to orders.*—An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, even though contrary to the provisions of this and the two succeeding chapters, except when such obedience is impossible or unlawful, or would

impose new and unreasonable burdens upon the employee, or in case of an emergency, which, according to the best information which the employee can with reasonable diligence obtain the employer did not contemplate, in which he can not with reasonable diligence be consulted and in which noncompliance is judged by the employee in good faith and in the exercise of reasonable discretion to be absolutely necessary for the protection of the employer's interest. In all such cases the employee must conform as nearly to the directions of his employer as may be reasonably practicable and most for the interest of the latter.

SEC. 5553. *Usage of place.*—An employee must perform his service in conformity to the usage of the place of performance, unless otherwise directed by his employer, or unless it is impracticable, or manifestly injurious to his employer to do so.

SEC. 5554. *Degree of skill.*—An employee is bound to exercise a reasonable degree of skill, unless his employer has notice before employing him of his want of skill.

SEC. 5555. *Same subject.*—An employee is bound to use such skill as he possesses so far as the same is required for the service specified.

SEC. 5556. *Acquisitions by employee.*—Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

SEC. 5557. *Accounts.*—An employee must on demand render to his employer just accounts of all his transactions in the course of his services as often as may be reasonable and must, without demand, give prompt notice to his employer of everything which he receives for his account.

SEC. 5558. *May hold goods until demand.*—An employee, who receives anything on account of his employer in any capacity other than that of a mere servant, is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance without demand in any mode involving greater risk than its retention by the employee himself.

SEC. 5559. *Employer's business to have preference.*—An employee who has any business to transact on his own account similar to that intrusted to him by his employer must always give the latter the preference. If intrusted with similar affairs by different employers, he must give them preference according to their relative urgency, or, other things being equal, according to the order in which they were committed to him.

SEC. 5560. *Substitutes.*—An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

SEC. 5561. *Culpable negligence.*—An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him if the service is not gratuitous for the value of such services only as are properly rendered.

SEC. 5562. *Survivor of joint employees.*—When service is to be rendered by two or more persons jointly and one of them dies, the survivor must act alone if the service to be rendered is such as he can rightly perform without the aid of the deceased person, but not otherwise.

SEC. 5564. *Termination of employment.*—Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or,
2. His legal incapacity to contract.

Every employment is terminated:

1. By the expiration of its appointed term.
2. By the extinction of its subject.
3. By the death of the employee; or,
4. By his legal incapacity to act as such.

SEC. 5565. *Continuance after death of employer.*—An employee, unless the term of his service has expired or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest, until a reasonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service according to the terms of the contract of employment.

SEC. 5566. *Termination at will.*—An employment, having no specified term, may be terminated at the will of either party on notice to the other, except when otherwise provided by this chapter.

SEC. 5567. *Breach of duty by employee.*—An employment, even for a specified term, may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment or in case of his habitual neglect of his duty or continued incapacity to perform it.

SEC. 5568. *By employer.*—Any employment, even for a specified term, may be terminated by the employee at any time in case of any willful or permanent breach of the obligations of his employer to him as an employee.

SEC. 5569. *Forfeiture of wages.*—An employee dismissed by his employer for good cause is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

SEC. 5570. *Proportionate compensation.*—An employee who quits the service of his employer for good cause is entitled to such proportion of the compensation which would become due in case of full performance, as the services which he has already rendered bear to the services which he was to render as full performance.

SEC. 5571. *Definition.*—A servant is one who is employed to render personal service to his employer, otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

SEC. 5572 (as amended 1907, ch. 173). *Measure of term of service.*—A servant is presumed to be hired for such length of time as the parties shall agree upon. A hiring at a monthly rate is to be presumed to be for one month or such number of months as may be agreed upon. A hiring for the season shall be presumed to be from the date of such hiring to November 1st of the year of such hiring. A hiring at a yearly rate is presumed to be for one year. A hiring at a daily rate shall be presumed to be an entire contract for as many days as the parties agree upon, and such contract shall not be presumed to be for one day. A hiring by piecework, for no specified time.

SEC. 5573. *Monthly term presumed.*—In the absence of any agreement or custom as to the rate or value of wages the term of service or the time of payment, a servant is presumed to be hired by the month at a monthly rate of reasonable wages, to be paid when the service is performed.

SEC. 5574. *Renewal of agreement.*—When after the expiration of an agreement respecting the wages and the term of service the parties continue the relation of master and servant, they are presumed to have renewed the agreement for the same wages and term of service.

SEC. 5575. *Servants' time.*—The entire time of a domestic servant belongs to the master and the time of other servants, to such extent as is usual in the business in which they serve, not exceeding in any case ten hours in a day.

SEC. 5576. *Delivery of goods, etc., received.*—A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives for his account without demand; but he is not bound without orders from his master to send anything to him through another person.

SEC. 5577. *Discharge for cause.*—A master may discharge any servant, other than an apprentice, whether engaged for a fixed term or not:

1. If he is guilty of misconduct in the course of his service or of gross immorality, though unconnected with the same; or,

2. If, being employed about the person of the master or in a confidential position, the master discovers that he has been guilty of misconduct before or after the commencement of his service of such a nature that if the master had known or contemplated it he would not have so employed him.

SEC. 5620. *Service without employment.*—One who officiously and without consent of the real or apparent owner of a thing takes it into his possession for the purpose of rendering a service about it must complete such service and use ordinary care, diligence, and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses incurred by him about such service from any profits which his service has caused the thing to acquire for its owner and must account to the owner for the residue.

SEC. 6556. *Damages.*—Every person who suffers detriment from the unlawful act or omission of another may recover from the person in fault a compensation therefor in money, which is called damages.

SEC. 6614. *What contracts can not be enforced.*—The following obligations can not be specifically enforced:

1. An obligation to render personal service.
2. An obligation to employ another in personal service.

* * * * * * *

CODE OF CIVIL PROCEDURE

Exemption of wages from garnishment—Suits—Preference

SECTION 6968 (as amended 1921, ch. 72). *Amount.*—[The sum of $15 weekly, wages of the head of a family resident in the State, is exempt from garnishment, and wages not in excess of $15 must be paid the wage earner when due, on a showing of his status.]

SEC. 7125 (as amended 1915, ch. 155). *No exemption, when.*—[No personal property, except absolute exemptions are exempt from execution or attachment in an action for wages.]

SEC. 7166. *Amount exempt.*—[Earnings for personal services rendered within 60 days next preceding an order of execution are exempt therefrom if necessary to the support of the dependent family of the judgment debtor.]

SEC. 7782. *Rank in insolvency.*—[Wages of servants, laborers, mechanics and clerks for services rendered within the preceding year rank next after debts due the United States and debts and taxes due the State or a municipality.]

JUSTICES' CODE

Execution on judgments for wages not to be stayed

SECTION 8447. *Stay not allowed, when.*— * * * no stay is allowed under the provisions of this section without the consent of the owner and holder of the judgment when it is rendered for wages of a mechanic or laborer * * *

PENAL CODE

Interference with employment—Conspiracy against workingmen

SECTION 8768. *Conspiring to interfere with trade, etc.*—If two or more persons conspire, either:

* * * * * * *

5. To prevent another from exercising a lawful trade or calling or doing any other lawful act, by force, threats, intimidation, or by interfering or threatening to interfere with tools, implements or property belonging to or used by another, or with the use or employment thereof; or,

6. To commit any act injurious to the public health, to public morals or to trade or commerce, or for the perversion or obstruction of justice, or of the due administration of the laws; each of them is guilty of a misdemeanor.

SEC. 8770. *Assemblies of workingmen.*—No conspiracy is punishable criminally unless it is one of those enumerated in the last two sections, and the orderly and peaceable assembling or cooperation of persons employed in any calling, trade or handicraft for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, is not a conspiracy.

SEC. 8772. *Hindering employment.*—Every person, corporation, or agent thereof, who maliciously interferes or hinders, in any way, any citizen of this State from obtaining employment or enjoying employment already obtained, from any other person or corporation, is guilty of a misdemeanor.

SEC. 8773. *Blacklisting.*—Every corporation, officer, agent or employee thereof, and every person of any corporation on behalf of such corporation, who exchanges with or furnishes or delivers to any other corporation or any officer, agent, employee or person thereof, any "black list," is guilty of a misdemeanor.

Intimidation of employers and employees

SECTION 9434. *Intimidating employees.*—Every person who, by any use of force, threats, or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant, or other person

employed by another, from continuing or performing his work, or from accepting any new work or employment, or to induce such hired person to relinquish his work or employment, or to return any work he has in hand before it is finished, is guilty of a misdemeanor.

SEC. 9435. *Employers.*—Every person who, by any use of force, threats, or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants, or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor.

SEC. 9436. *Mine laborers.*—In all cases when two or more persons * * * shall enter upon or into any lode, gulch, placer claim or quartz mill or other mining property, or, not being upon such property but within hearing of the same, shall make any threats or make use of any language, sign, or gesture calculated to intimidate any person or persons at work on said property from continuing work thereon or therein, or to intimidate others from engaging to work thereon or therein, every such person so offending shall, upon conviction, be punished by imprisonment in the county jail not exceeding six months and not less than thirty days, and by fine not exceeding two hundred and fifty dollars, such fine to be discharged either by payment or by confinement in such jail until such fine is discharged at the rate of two dollars and fifty cents per day. On trials under this section, proof of a common purpose of two or more persons * * * to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified, by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

Employment of women and children—Hours of labor

SECTION 9440. *Limit of ten hours.*—Every owner, stockholder, overseer, employer, clerk, or foreman, of any manufactory, workshop, or other place used for mechanical or manufacturing purposes, who, having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine not exceeding one hundred and not less than ten dollars.

ACTS OF 1907

CHAPTER 205.—*Accidents on railroads*

SECTION 1. *Reports.*—[Reports must be made to the railroad commissioners of all accidents connected with the operation of trains wherein any person is killed or injured.]

SEC. 2. *Investigation.*—[The commission must examine into the causes and circumstances of such accidents and issue orders to provide against their recurrence. Biennial reports of investigations and orders are to be made to the legislature.]

SEC. 3. *Violations.*—[Violations of the above entail penalties of fines, $500 to $2,000, or imprisonment, 30 days to one year, or both.]

CHAPTER 208.—*Contracts of employment—Repayment of advances*

SECTION 1. *Failure to repay.*—Every employee who, with intent to defraud, shall accept or receive transportation provided by or at the instance or expense of his employer, from any point in this State to or in the direction of the place where he has contracted to perform labor for or render services to such employer, or who shall knowingly or with intent to defraud accept or receive the benefit of any other pecuniary advancements made by or at the instance and cost of his employer under an agreement on the part of such employee to perform labor or render services in repayment of the cost of such transportation or of such other benefits, shall be deemed and adjudged [guilty] of a misdemeanor if he shall neglect or refuse to render services or perform labor of an equal value to the full amount paid for such transportation or other benefits, or shall neglect or refuse to pay such employer in money the amount paid there-

for. The value of the services to be rendered or labor to be performed shall be determined by the price agreed to be paid therefor by such employer under his contract with the employee. The failure or refusal of any such employee to perform such labor or to render such services in accordance with his contract or to pay in money the amount paid for such transportation or other benefits shall be prima facie evidence of his intent to defraud.

SEC. 2. *Penalty.*—Every person found guilty of such misdemeanor shall be punished by a fine not exceeding twenty-five dollars and by imprisonment of not less than ten nor more than sixty days.

ACTS OF 1913

CHAPTER 230.—*Railroads—Safe clearance*

SECTION 1. *Scope.*—[The act applies to common carriers by railroad to which the regulative power of the State extends.]

SEC. 2. *Large engines and cars.*—[After January 1, 1915, it is unlawful to use engines or cars more than 10½ feet in extreme width or 14 feet 2 inches in extreme height, without extending the clearance provided in the next section, unless authorized by the railroad commissioners. Excepted are loaded open or flat cars, foreign cars, wrecking cars, snowplows, pile drivers, caboose cupolas, and rolling stock in use at the time.]

SEC. 3. *Clearance.*—[After January 1, 1915, no chute, pole, pen, embankment or other structure or obstruction may be nearer than 8 feet from the center line of track of standard gauge roads; nor may overhead obstructions stand less than 21 feet from the top of the track rail. This does not apply to station platforms not over 4 feet high, nor to existing store houses and elevators, nor to loading platforms in use at the time.]

SEC. 4. *Reports.*—[Common carriers subject to the act must report before January 1, 1914, all existing structures, etc., which do not conform to the above requirements, with reasons, if any, why they should not be made to conform.]

SEC. 5. *Tracks.*—[After January 1, 1915, no tracks may be constructed for switching or moving trains nearer together than 13 feet between the center lines except as necessary for intersections, turnouts and switch points.]

SEC. 6. *Obstructions.*—[The space between such tracks as are ordinarily used by railroad employees in the discharge of their duties must be kept clear of obstacles that would interfere therewith and cause unnecessary hazard, and must be in a condition for safe use day or night and under all weather conditions, without unnecessary hazard.]

SEC. 7. *Violations.*—[Noncompliance entails a penalty of $100 for each day's continuance.]

SEC. 8. *Assumption of risk and contributory negligence.*—Any employee of such common carrier who, while in the performance of his duty and while engaged in any commerce mentioned, subject to the regulative power of this act in section one, may be injured or killed by any locomotive, car, structure, or obstruction used or retained contrary to the provisions of this act, shall not be deemed to have assumed the risk thereby occasioned or to have been guilty of contributory negligence, although the employee continued in the employ of such common carrier after the unlawful use of such locomotive, car, permanent overhead structure, or obstruction, of any kind or character mentioned in this act shall have been brought to his knowledge; and the retention under the exemption authorized in section four of this act shall be at the sole risk of the carrier, and the permission granted in this act to the carrier to construct station or freight-house platforms four feet high measured from the top of the track rail and near to the center line of the track or tracks as provided in section three of this act, shall be at the sole risk of carrier, as aforesaid in this section.

ACTS OF 1915

CHAPTER 207.—*Liability of employers for injuries—Railroad companies*

SECTION 1. *Liability declared.*—Every common carrier by steam railroad, while engaged in commerce to which the regulative powers of the State extend under the Constitution of the United States, and of the State of North Dakota, shall be liable in damages to any person suffering injury

while he is employed by such common carrier in such commerce, or in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow, or husband, or children of such employee, and if none, then to the next of kin dependent upon such employee, if such injury or death resulting in the whole or in part from the negligence of any officers, agents or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 2. *Contributory negligence to be measured.*—In all actions hereafter brought against any such common carrier by a steam railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that the employee had been guilty of contributory negligence, shall not bar recovery; but the damages shall be diminished by the jury in proportion to the amount of negligence attributed to such employee: *Provided*, That no such employee who may be injured or killed, shall be held to have been guilty of a contributory negligence in any case where the violation by such common carrier of any State or Federal statute enacted for the safety of employees, contributed to the injury or death of such employee.

SEC. 3. *Assumption of risks.*—In any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or death of any of its employees, such employee shall not be held to have assumed the risk of his employment, in any case where the violation by such common carrier of any State or Federal statute enacted for the safety of employees, contributed to the injury or death of such employees.

SEC. 4. *Contracting out.*—Any contract, rule, regulation, or devise [device] whatsoever the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall, to that extent, be void: *Provided*, That in any action brought against such common carrier, under or by virture of any of the provisions of this act, such common carrier may set off therein, any sum it has contributed or paid to any insurance relief benefit or indemnity that may have been paid to the injured employee or to the person entitled thereto on account of the injury or death, for which said action was brought.

SEC. 5. *Limitation.*—No action shall be maintained under this act, unless commenced within two years from the date the cause of action accrued.

SEC. 6. *Receivers.*—The term common carrier as used in this act, shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 7. *Survival of action.*—Any right of action given by this act to a person suffering injury shall survive to his or her person represented [personal representative] for the benefit of the surviving widow or husband and children of such employee, and if none, then to such employee's parents, and if none, then to the next of kin dependent upon such employee; but in such case, there shall be only one recovery for the same injury.

ACTS OF 1917

CHAPTER 152.—*Payment of wages by contractors*

SECTION 1. *Appropriating payments on contracts.*—Any contractor or subcontractor on any improvement to real estate within the meaning of section sixty-eight hundred and fourteen of the Compiled Laws of nineteen hundred and thirteen, with intent to defraud, shall use the proceeds of any payment to him on account of such improvement by the owner of such real estate, or person having any improvement made, for any other purpose than the payment of labor performed upon, or materials, machinery, or fixtures furnished for such improvement, while any such labor performed, or materials, machinery, or fixtures furnished for such improvement at the time of such payment, remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

SEC. 2. *Penalty.*—When payment so used in violation of the preceding section is of an amount exceeding $20, such person shall upon conviction be punished as provided by law for the crime of grand larceny, and when the amount of such payment so used in violation of the preceding section is of an amount to $20 or less, such person shall upon conviction be punished for petit larceny.

CHAPTER 189.—*Payment of wages—Semimonthly pay day on railroads*

SECTION 1. *Pay days established.*—All railroad corporations doing business within this State are required to pay their employees at least semimonthly, the wages earned by them to within fifteen days of the date of such payment, unless prevented by inevitable casualty: *Provided, however*, That whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter.

SEC. 2. *Failure to pay.*—Whenever any railroad corporation shall for seven days neglect or refuse to pay its employees as prescribed by section one of this act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff and included in his judgment, in addition to his cost and disbursements allowed by law, $5 if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action, and double costs in all other courts on appeal.

ACTS OF 1919

CHAPTER 162.—*Factory, etc., regulations—Powers of workmen's compensation bureau*

SECTION 4 (as amended 1921, ch. 145). PARAGRAPH A.] *Bureau.*—A workmen's compensation bureau is hereby created in the department of agriculture and labor consisting of the State commissioner of agriculture and labor, the State insurance commissioner and three (3) workmen's compensation commissioners to be appointed by the governor, and the three commissioners so appointed shall devote their entire time to the duties of the bureau. * * *

PARAGRAPH G.] *Powers.*—The bureau is hereby vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment subject to this act, as may be necessary adequately to enforce and administer all laws and regulations requiring such employment and place of employment to be safe, and shall issue safety regulations whenever necessary.

CHAPTER 168.—*Mine regulations—Coal mines*

SECTIONS 2–6. *Inspector.*—[The governor, by and with the consent of the senate, appoints a State coal mine inspector for a term of two years. The inspector must be a citizen of five years' experience in coal mining, with a competent knowledge of mining, ventilation, etc., and not be interested in any mining operation. A salary of $2,500 is fixed, and a bond of $5,000 required. Office and travel expenses are allowed, and clerical help to the amount of $1,200. It is his duty to enter and inspect any mine, shaft, drift or slope, to inquire into the condition of the mine, its workings, drainage, ventilation, machinery, scales, etc., and to make provisions for the safety of employees. The operator must give needed assistance. All mines must be inspected annually, and those having an annual output of 1,200 tons or more at least every six months. If complaints of violations of the law have been made, the inspector must notify the employees of his visit, and they may select one of their number to accompany him on his tour of inspection. The owner or operator or some one assigned by him may at all times accompany the inspector while inspecting the property. The inspector must make an annual report to the governor.]

SEC. 7. *Instruments.*—[The State must furnish the inspector an anemometer and other instruments needed for the performance of his duties.]

SEC. 8. *Posting statements.*—[The inspector must post a statement of the conditions found by him and suggestions for the better protection of employees; also a notice at landings showing the number of men that may be hoisted or lowered.]

SEC. 9. *Temporary vacancies.*—[A competent person must be deputized to fill vacancies of two weeks or more, or for an unexpired term.]

SECS. 10, 11. *Weights and measures.*—[The inspector is ex officio sealer of weights and measures in so far as coal mining is concerned. Standard test weights must be supplied for his use.]

SEC. 12. *Refusing inspection.*—[Inspectors refused access or facilities for inspection may make affidavit before the judge in the county, who shall order the owner or operator to permit inspection or be adjudged in contempt of court.]

SECS. 13, 14. *Neglect of duty.*—[If a verified petition of 50 or more reputable citizens is presented, with a bond of $500, charging incompetence, neglect, malfeasance or misfeasance, the court shall investigate, the action being prosecuted by the State's attorney. If he is found guilty, the office shall be declared vacant.]

SECS. 16 (as amended 1923, ch. 246), 17–25. *Examining board; certificates.*—[The State mine inspector and a representative of the miners and one of the operators appointed by the governor comprise a board to examine applicants for the position of mine foreman. Persons seeking positions as mine foremen or mine examiners must be 23 years of age, with 5 years' experience, and pass an examination on theoretical and practical questions relating to mining, the nature of gases, ventilation, etc. Certificates issue in the discretion of the board; a fee of $5 is charged, of which $2 is for registration and examination, and $3 for the certificate. Acting without a certificate is forbidden, but a temporary employment, not over 30 days, is permited if no certified foreman examiner or fire boss is available. If a holder of a certificate violates the law, his certificate may be revoked for two years.]

SECS. 26–32. *Maps.*—[Maps must be furnished, showing surveys under and above ground, corrected annually, with a final correction for abandoned mines.]

SEC. 33 (as amended 1923, ch. 246). *Washhouses.*—[Where five or more men are employed, a suitable wash house, properly lighted, heated and equipped, must be provided for the men to wash themselves and change their clothing.]

SECS. 34, 35. *Weighing coal.*—[Weighmen must take oath to do justice between employers and employees. The miners may employ at their expense a checkweighman, who is subject to the same oath as the weighman, and shall have equal rights and privileges as to the weighing of coal. False weights and the fraudulent weighing of coal are forbidden.]

SECS. 36–43, 44 (as amended 1923, ch. 246), 45–48, 49 (as amended 1923, ch. 246), 50–55, 56 (as amended 1923, ch. 246), 57–61, 62 (as amended 1923, ch. 246), 63–82. *Provisions for safety.*—[Detailed provisions regulate the equipment of shafts and cages, passageways around shafts and gates at the top, require two distinct places of egress where more than ten men are employed, with passageways connecting every seam with the escape, forbid inflammable structures in locations dangerous to exits, regulate communicating ways with adjacent mines, ventilation, the construction of underground stables, the supply of timbers, drainage, the duties of mine foremen, examiners, machine men, and other employees, blasting, and the storage and handling of explosives, lighting, hoisting workmen, proceedings in case of accident, signal system, etc.]

SEC. 83 (as amended 1923, ch. 246). *Qualifications of miners.*—[No miner or loader may work alone without showing evidence that he has worked at least six months as or under the direction of a practical miner, nor may he work on pillars without at least two years' experience.]

SEC. 84. *Reports.*—[Operators must correctly reply to all requests for statistical data made by the inspector.]

SEC. 85. *Penalties.*—[Violation of the law or interference with the inspector is punishable by a fine not to exceed $500 or imprisonment not over six months, or both. In case of failure to provide escape shafts or ventilation the operation of the mine may also be enjoined until the legal requirements are met.]

SECS. 86, 87. *Employment of children.*—[The employment underground of any child under 16 is a misdemeanor, punishable by a fine not exceeding $500.]

SEC. 88 (as amended 1923, p. 246). *Hours of labor.*—[Not over 8 hours is a day's labor in or about mines and open pit mines except in cases of emergency, or where life or property is in imminent danger.]

SEC. 89 (as amended 1923, ch. 246). *Definitions.*—[The terms mine, shaft, slope, operator, etc., are defined.]

CHAPTER 170.—*Hours of labor of women*

SECTION 1 (as amended 1923, ch. 346). *Work time.*—No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel, or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company in the State of North Dakota

more than eight and one-half (8½) hours in any one day, or more than six (6) days or more than forty-eight (48) hours in any one week: *Provided, however*, That this act shall not apply to females working in rural telephone exchanges or in villages or towns of less than five hundred (500) population: *Provided, further*, The above law shall not apply in cases of an emergency at which time female help may be employed 10 hours in one day and seven days in one week, and not over 48 hours in one week. An emergency is defined to exist in the case of sickness of more than one female employee, in which case a doctor's certificate must be furnished, for the protection of human life, banquets, conventions, celebrations, sessions of the State legislature, or where a female is employed as reporter in any of the district courts of the State of North Dakota. In case an emergency exists the proper authorities that have the enforcement of this law must be notified at once, stating full particulars and probable duration of such emergency and permission must be obtained from such authorities as soon as possible.

SEC. 2. *Violations.*—Any person who violates any provision of this act shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars.

CHAPTER 171.—*Labor disputes—Injunctions*

SECTION 1. *Injunctions restricted.*—No restraining order or injunction shall be granted by any court of this State, any judge or judges thereof in any case involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

SEC. 2. *Strikes.*—No restraining order or injunction shall prohibit any person or persons whether singly or in concert from terminating any relation of employment or from ceasing to perform any work or labor or from recommending, advising, or persuading others so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of obtaining or communicating information, or from persuading any such person to work or to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others so to do; or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from assembling in a lawful manner, and for lawful purposes; or from doing an act or thing which might lawfully be done in the absence of such dispute by a single person; nor shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court in this State.

SEC. 3. *Suits at law.*—In all cases involving the violation of the contract of employment, either by the employer or the employee where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

CHAPTER 172.—*Railroads—Shelters for employees on repair tracks*

SECTION 1. *Who to provide shelters.*—Every company, corporation, person, or receiver engaged in repairing or constructing railway cars, trucks, locomotive engines, or other railroad equipment, shall erect and maintain at every station or other point where five or more persons are regularly employed and engaged in such construction or repairing, suitable buildings or sheds covering sufficient railroad track to accommodate all of the cars, trucks, locomotive engines, or other railroad equipment at any time under construction or repair at that point, and to provide and insure shelter and protection from rain, snow, or inclement weather to all of the men and women so employed and engaged in such construction or repair work: *Provided, however*, That the terms of this act shall not apply to division terminals or other points where it is necessary to make light repairs only on cars, nor to any repair of cars loaded with time or perishable freight, nor to the repair of cars when trains are being held for the movement of said cars, nor to points where less than five persons are regularly employed in such repair service.

SEC. 2 (as amended 1919, Sp. Sess., ch. 48). *Violations.*—[Penalty for a first offense is a fine, $100 to $500, and for subsequent offenses, $500 to $10,000, and costs of prosecution.]

CHAPTER 174.—*Minimum wages for women and minors*

SECTION 1. *Definitions.*—That when used in this act the term "bureau" means the workmen's compensation bureau.

The term "commissioner" means a member of the workmen's compensation bureau.

The term "minor" means a person of either sex under age of eighteen years.

The term "women" includes only women eighteen years of age or over.

The term "occupation" includes a business, industry, trade or branch thereof, but shall not include agricultural or domestic service.

SEC. 2. *Powers of bureau.*—The said bureau is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things:

(a) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the State of North Dakota;

(b) Standards of conditions of labor for women or for minors in any occupation within the State and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation;

(c) Standards of minimum wages for women in any occupation in the State and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;

(d) Standard of minimum wages for minors in any occupation within the State of North Dakota and what wages are unreasonably low for any such minor workers;

(e) To prepare, adopt, and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences;

(f) To employ any and all necessary help and assistance for the purpose of carrying out the provisions of this act and to fix their compensation and bonds, providing that the total amount of such compensation shall not exceed the amount appropriated therefor by the legislative assembly;

(g) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the State of North Dakota;

(h) Either through any authorized representative or any commissioner, to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers in any of such occupations;

(i) To require from any such employer full and true statements of the wages paid to and the hours of labor and conditions of labor, of all women and minors in such employment.

SEC. 3. *Hours of labor.*—It shall be unlawful to employ women or minors in any occupation within the State for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health, or morals; and it shall be unlawful to employ women in any occupation within the State for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State for unreasonably low wages.

SEC. 4. *Register.*—Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said bureau to inspect and examine such register.

SEC. 5. *Meetings.*—Said bureau may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said bureau may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said bureau or any commissioner shall have power to subpœna and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any

such session of any conference. All witnesses subpœnaed by said bureau shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the district court.

SEC. 6. *Conference.*—If, after investigation, said bureau is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving inadequate wages to supply them with the necessary cost of living and maintain them in health, said bureau may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said bureau and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said bureau shall name and appoint all members of such conference and designate the chairman thereof. Said bureau shall present to such conference all information and evidence in the possession or under the control of said bureau which relates to the subject of the inquiry of such conference; and said bureau shall cause to be brought before such conference any witness whose testimony said bureau deems material to the subject of the inquiry of such conference. After completing its consideration of any inquiry into the subject submitted to it by said bureau, such conference shall make and transmit to said bureau a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit:

(a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers;

(b) Standards of conditions of labor for women workers and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women workers;

(c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health.

In its recommendation on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such two-thirds on any subject submitted shall be deemed the decision or recommendation or report of such conference.

SEC. 7. *Action of bureau.*—Upon receipts of any report from any conference said bureau shall consider and review the recommendation contained in said report; and said bureau may approve any or all of said recommendations or disapprove any or all of said recommendations; and said bureau may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said bureau approves any recommendations contained in any report from any conference, said bureau shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in the State, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said bureau may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different sur-

roundings or conditions or at a lower wage than are authorized or permitted by said order. Said bureau shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said bureau shall authorize or permit the employment of any women for more hours per day or per week than the maximum now fixed by law.

SEC. 8. *Minors.*—Said bureau may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said bureau has made such determination, it may issue an obligatory order in the manner hereinbefore provided; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said bureau shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 9. *Enforcement.*—Said bureau shall, from time to time, investigate and ascertain whether or not employers in the State are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 10. *Appeals.*—All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said bureau, and there shall be no appeal from the decision of said bureau on any such question of fact; but there shall be a right of appeal from said bureau to the district court of Burleigh County, from any ruling or holding on a question of law included in or embodied in any decision or order of said bureau, and, on the same question of law, from said district court to the supreme court of the State. In all such appeals the attorney general shall appear for and represent said bureau.

SEC. 11. *Special licenses.*—For any occupation in which the minimum wage has been established the bureau may issue to a female physically defective by age or otherwise or to an apprentice or learner in such occupations as usually require learners or apprentices, a special license authorizing the employment of any such licensee at a wage less than the minimum wage to be fixed by the bureau, such license to be issued under such rules and regulations as the bureau may establish therefor.

SEC. 12. *Hours not to be increased.*—Nothing in this act shall authorize or empower the bureau to increase the hours of labor for women or in any manner impair or affect the provisions of an act entitled "For an act regulating and fixing the hours of labor for females and providing penalties for the violation thereof," adopted at the sixteenth legislative session of this State.

SEC. 13. *Violations.*—[Violation entails a fine of not less than $25 nor more than $100, or imprisonment not less than ten days nor more than three months, or both.]

SEC. 14. *Discharging employee.*—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars.

SEC. 15. *Recovery of unpaid wages.*—If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of an order of said bureau, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid by her said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 16. *Reports.*—Said bureau shall, on or before the first day of November of the year 1920 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

SEC. 17. *Appropriation.*—There is hereby appropriated out of the moneys in the State treasury, not otherwise appropriated, the sum of six thousand dollars

per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this act and to pay the expenses and expenditures authorized by or incurred under this act.

ACTS OF 1919—SPECIAL SESSION

CHAPTER 43.—*Strikes—Coal mines and public utilities—Powers of governor*

SECTION 1. *Operation of mines, etc.*—The governor, as commander in chief of the military and naval forces of this State, is hereby authorized and empowered to take any measure necessary to prevent or avert any pending disaster or calamity which threatens to destroy life or property in this State, or which may entail loss of life or property or result in great suffering or hardship among the people of this State; and in the event of any strike or threatened strike or lockout or threatened lockout of the employees of any coal mine or public utility threatening to endanger the life and property of the people of this State, in any such event he shall have the power and authority to commandeer and take for use during any such emergency any coal mine or other public utility, together with the machinery, equipment, and appurtenances of any such coal mine or public utility which may be necessary to save life or property; and he shall have power and authority to employ all help necessary for operating any such coal mine or public utility, with power and authority to make and enter into all contracts for the operation of any such coal mine or public utility, and to purchase any and all material necessary for operating any such coal mine or public utility, and with power to sell and distribute the products or services of any such mine or public utility.

SEC. 2. *State militia.*—The governor is further authorized to use any of the facilities or offices of the State when required to take over and use any such coal mine or public utility, and may command the services of the State militia or the State constabulary.

SEC. 3. *Compensation of owners.*—The owner of any coal mine or public utility so taken shall be given a receipt therefor and shall be paid for the use thereof and for any damages which may be caused to the same while in the possession of the State: *Provided*, That such compensation shall be determined by the board of railroad commissioners, after notice and hearing to the parties interested therein, such notice to be given and such hearing conducted in the same manner provided by chapter 192 of the Laws of North Dakota for the year 1919 for hearing and determining the rates and charges of public utilities.

ACTS OF 1921

CHAPTER 42.—*Protection of employees on buildings*

SECTION 1. *Equipment to be safe.*—All scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm, or corporation in the State, for use in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, steel tank, standpipe, or other structure shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same swaying from the building or structure.

SEC. 2. *Counter floors.*—Any person engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor and

upon conviction thereof in any court or [of] competent jurisdiction shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal, shall be held and considered a separate offense, severally liable to the penalties aforesaid.

SEC. 3. *Compliance.*—Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure, within the provisions of the two preceding sections, shall comply with the terms thereof, and any such contractor or other person violating any of the provisions of the two preceding sections shall, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court. In addition to the penalties (sic) herein provided, in the refusal or neglect of any person, firm or corporation, or his or its agents, to comply with the provisions of the two preceding sections, the use of any such scaffold, hoist, crane, stays, ladder, support, or other mechanical contrivance, or the erection, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank or other structure, may be prohibited by the labor commissioner or inspector deputized by him, and a notice to that effect shall be posted upon the premises. Such notice shall not be removed until such scaffold, hoist, crane, stays, ladder, support or other mechanical contrivance or temporary floorings are properly and safely constructed.

CHAPTER 102.—*Railroads—Engine curtains*

SECTION 1. *Curtains to be supplied.*—[Railroads must equip locomotive engines with canvas curtains attached to back of cab and inclosing all openings between cab and tender. Also front and side windows of cab must be equipped with "frost glass" in wintertime. Applies to all engines used for service in the State.]

SEC. 2. *Act in effect.*—[All new engines to be so equipped and all engines brought in for heavy repairs to be equipped at that time.]

SEC. 3. *Violations.*—[Failure to comply subjects to a fine of $100 for each engine operated without such appliances.]

CHAPTER 117.—*Free public employment offices*

SECTION 1. *Service established.*—The State free employment service of the State of North Dakota is hereby established. The commissioner of agriculture and labor shall also be the executive officer of the State free employment service, and the management of such service shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of said commissioner of agriculture and labor as may be required in carrying out the provision of this act, such agents being located at convenient points in the State for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point and to use their best endeavors to keep the supply of labor filled at the places where it is desired, and in seasonable time.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with governing bodies of cities, towns, or counties which desire such service, to use a portion of the fund provided by the State to assist in the maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

The commissioner of agriculture and labor in the capacity of head of the State free employment service is hereby empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation [,] to secure and distribute the necessary books and forms for keeping a record of the movement of labor, registration and placements, and all reports required to be made to that end.

SEC. 2. *Applications.*—The agents in charge of any of the State free employment offices established under the provisions of this act, and under the direction of the commissioner of agriculture and labor, shall receive applications

from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of agriculture and labor.

SEC. 3. *Reports.*—Each such agent shall make the commissioner of agriculture and labor such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the commissioner may require.

SEC. 4. *Advertising.*—The commissioner of agriculture and labor shall have power to solicit business for the State free employment service, established under this act, by advertising in newspapers and in any other way he may deem expedient: *Provided*, That the expenditure under the provisions of this act shall not exceed ten per cent of the total expenditure.

SEC. 5. *Fees.*—No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.

SEC. 6. *Violation.*—[Violation of section 5 entails a fine, not over $100 or imprisonment not exceeding six months, or both; also disqualifies offender for position in the department.]

SEC. 7. *Notice of strike, etc.*—An employer, or a representative of employers or employees, may file at a State free employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected if filed by employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the State free employment service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 8. *Cooperation.*—The commissioner of agriculture and labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment and maintenance within the State of North Dakota of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and carrying on any such bureau shall be borne by the cooperative parties upon an equitable basis to be agreed upon between them.

SEC. 9. *Appropriation.*—There is hereby appropriated for the purpose of this act out of any moneys in the State treasury not otherwise appropriated, the sum of ten thousand dollars ($10,000), or as much thereof as may be necessary to carry out the provisions of this act.

CHAPTER 137.—*Labor organizations—Union label*

SECTION 1. *Unauthorized use.*—It shall be unlawful for any person or corporation to wear or use the emblem adopted by or representing any labor union of this State unless such person or corporation is entitled to wear or use such emblem under the rules of the union which said emblem represents.

SEC. 2. *Definition.*—"Emblem" is herein defined in this act to mean button, watch fob, design, devise [sic], trademark, label, shop card, or form of advertisement indicating membership in any labor organization.

SEC. 3. *Penalty.*—Any person or corporation violating the provisions of this act shall be punishable by imprisonment in the county jail for a term not to exceed thirty days, or by a fine not to exceed $50 or by both such fine and imprisonment.

ACTS OF 1923

CHAPTER 150.—*Employment of children—Enforcement of laws*

SECTION 1. *Who to enforce.*—In addition to the other duties prescribed by law the board of administration[1] shall have the following duties and powers:

* * * * * * *

(*h*) To secure the enforcement of the child labor law * * *

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[1] This board consists of the superintendent of public instruction, the commissioner of agriculture and labor, and three persons appointed by the governor, and has general supervision of all penal, charitable, and educational institutions of the State. Acts of 1919, ch. 71.

SEC. 2. *Officer.*—The board shall have authority to employ and fix the salary of an executive officer and such agents as shall be necessary to carry out the purpose of this act, and to pay such expenses as are incidental to the performance of such duties.

CHAPTER 155.—*Employment of children—General provisions*

SECTION 1. *Age limit.*—[The employment of children under 14 is forbidden in factories, workshops, mercantile establishments, offices, restaurants, hotels, apartment houses, or in delivery or messenger service; or in any business whatever during school hours.]

SECS. 2–7. *Certificates.*—[Children under 16 may not be employed without certificates issued by the school authorities, showing age, physical fitness as evidenced by a physician's certificate, and the completion of the eighth grade or school attendance for nine years not including attendance at kindergarten. Vacation permits may issue on a modified educational requirement. Certificates must be kept on file, available for inspection and for children apparently under 16 the employer must produce evidence of age or cease their employment. On termination of employment, the certificate must be returned to the issuing authority, and a new one will issue only on promise of new employment and a new certificate of physical fitness. Certificates may be revoked if found to have been improperly issued, or if the physical or moral welfare of the child would be best served thereby.]

SEC. 8. *Work time.*—[Children under 16 may not be employed more than 8 hours per day or 6 days or 48 hours per week, nor between 7 p. m. and 7 a. m. Domestic and farm labor are exempt. Schedules of working hours and rest periods must be posted in all places where children are employed.]

SEC. 9. *Enforcement.*—[Peace officers may visit places of employment within their jurisdictions to ascertain as to compliance with this act.]

SEC. 10. *Dangerous occupations.*—[The employment of children under 16 in a specified list of dangerous occupations is forbidden, including places of amusement, also the employment of girls where constant standing is required. For a similar list see secs. 3145, 3148, Delaware Code.]

SECS. 11, 12. *Board of administration.*—[The board of administration is to prepare and distribute to the school authorities the necessary blanks, supervise the administration of laws, make regulations for maximum hours, minimum wages, and standard conditions of employment of minors, and inspect work places to enforce the law and their regulations.]

SECS. 13, 14. *Violations.*—[Employers violating the law or persons certifying any material false statement may be fined from $20 to $50 in any court of competent jurisdiction.]

OHIO

CONSTITUTION—AMENDMENTS OF 1912

ARTICLE II.—*Labor legislation*

SECTION 34. *Wage and safety laws.*—Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety, and general welfare of all employees; and no other provision of the constitution shall impair or limit this power.

ARTICLE II.—*Hours of labor on public works*

SECTION 37. *Eight-hour day.*—Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the State, or any political subdivision thereof, whether done by contract, or otherwise.

GENERAL CODE—1910[1]

Hours of labor on public works

SECTION 17–1 (added 1913, p. 854; amended 1919, p. 1286). *Eight-hour day.*—Except in cases of extraordinary emergency, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the State, or any political subdivision thereof, whether done by contract or otherwise; and it shall be unlawful for any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such workmen to require or permit any of them to labor more than eight hours in any calendar day or more than forty-eight hours in any week, except in cases of extraordinary emergency. This section shall be construed not to include policemen and firemen.

SEC. 17–2 (added 1913, p. 854. *Violation.*—[Penalty for violation is a fine not exceeding $500, or not over six months' imprisonment, or both.]

Department of industrial relations

SECTION 154–3 (added 1921, p. 105). *Department created.*—The following administrative departments are created:

* * * * * * *

The department of industrial relations, which shall be administered by the director of industrial relations, hereby created.

* * * * * * *

The director of each department shall, subject to the provisions of this chapter, exercise the powers and perform the duties vested by law in such department.

SEC. 154–4. *Appointment of director.*— Each director whose office is created by section 154–3 of the General Code shall be appointed by the governor by and with the advice and consent of the senate, and shall hold his office during the pleasure of the governor.

SEC. 154–5. *Assistant.*—In each department there shall be an assistant director, who shall be designated by the director to fill one of the offices within such department, enumerated in section 154–6 of the General Code, or as the head of

[1] All statutes amended or created by subsequent legislation have been numbered and given their proper places in the code, as provided by law.

one of the divisions created within such department as authorized by section 154–8 of the General Code. When a vacancy occurs in the office of the director of any department, the assistant director thereof shall act as director of the department until such vacancy is filled.

SEC. 154–6. *Divisions.*—Offices are created within the several departments as follows:

* * * * * * *

In the department of industrial relations chiefs of divisions as follows:
Factory inspection.
Labor inspection.
Mines.

* * * * * * *

SEC. 154–7. *Appointment of officers.*—The officers mentioned in sections 154–5 and 154–6 of the General Code shall be appointed by the director of the department in which their offices are respectively created, and shall hold office during the pleasure of such director.

SEC. 154–8. *Duties.*—The officers mentioned in sections 154–5 and 154–6 of the General Code shall be under the direction, supervision, and control of the directors of their respective departments, and shall perform such duties as such directors shall prescribe.

* * * * * * *

SEC. 154–15. *Advisory boards.*—The director of each department may, with the approval of the governor, establish and appoint advisory boards to aid in the conduct of the work of his department or any division or divisions thereof. Such advisory boards shall exercise no administrative function, and their members shall receive no compensation, but may receive their actual and necessary expenses.

SEC. 154–16. *Entire time to be given.*—Each officer whose office is created by section 154–3, 154–5, and 154–6 of the General Code shall devote his entire time to the duties of his office, and shall hold no other office or position of profit. In addition to his salary provided by law, each such officer and each member of the boards and commissions in the department created by this chapter shall be entitled to his actual and necessary expenses incurred in the performance of his official duties.

SEC. 154–17. *Offices.*—Each department shall maintain a central office in the city of Columbus. The director of each department may, in his discretion and with the approval of the governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of his department.

SEC. 154–20. *Hours of labor.*—All employees in the several departments shall render not less than eight hours of labor each day, Saturday afternoons, Sundays, and days declared by law to be holidays excepted in cases in which, in the judgment of the director, the public service will not thereby be impaired.

Each employee in the several departments shall be entitled during each calendar year to fourteen days' leave of absence with full pay. In special and meritorious cases where to limit the annual leave to fourteen days in any one calendar year would work peculiar hardships, it may, in the discretion of the director of the department, be extended. No employee in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.

SEC. 154–45. *Duties.*—The department of industrial relations shall have all powers and perform all duties vested by law in the Industrial Commission of Ohio, excepting the following:

Those powers and duties of the commission which it exercises as successor of the State liability board of awards, the State board of arbitration, the board of boiler rules, and in the investigation, ascertainment, and determination of standards, devices, safeguards, and means of protection, * * * which shall continue to be exercised and performed by the Industrial Commission of Ohio in the manner provided by law for the exercise of such powers and the performance of such duties.

The Industrial Commission of Ohio shall be a part of the department of industrial relations for administrative purposes in the following respects: The director of industrial relations shall be ex officio the secretary of said commission, shall succeed to and perform all of the duties of the secretary of said commission, and shall exercise all powers of said secretary as provided by law;

but such director may designate any employee of the department as acting secretary to perform the duties and exercise the powers of secretary of the commission. All clerical, inspection, and other agencies for the execution of the powers and duties vested in the said industrial commission shall be deemed to be in the department of industrial relations, and the employees thereof shall be deemed to be employees of said department and shall have and exercise all authority vested by law in the employees of such commission. But the Industrial Commission of Ohio shall have direct supervision and control over, and power of appointment and removal of such employees whose position shall be designated by the governor as fully subject to the authority of such commission.

The commission may appoint advisers, who shall without compensation assist the commission in the execution of the powers and duties retained by it under this section.

Labor organizations—Incorporation—Fees

SECTION 176. *Filing fee.*—The secretary of state shall charge and collect the following fees for official services:

* * * * * *

5. For filing articles of incorporation * * * [of] societies or associations composed exclusively of any class of mechanics, express, telegraph, railroad or other employees, and formed exclusively for the mutual protection and relief of members thereof and their families, two dollars.

* * * * * *

Railroads—Accidents

SECTION 573. *Reports.*—[Fatal accidents must be reported to the railroad commission.]

SECS. 574, 575. *Investigation.*—[If it is deemed that the public interest requires it, an investigation will be made, of which record shall be kept.]

Industrial commission

SECTION 871–1 (as amended 1919, p. 58). *Membership.*—The Industrial Commission of Ohio, heretofore created, shall be composed of three members, to be appointed by the governor, with the advice and consent of the senate. Such appointment shall be made to take effect upon the expiration of the present term of each member, and each of such appointments hereafter made shall be for the term of six years. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment, or affiliations can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment, or affiliations can be classed as a representative of employees; not more than two of the members of said commission shall belong to the same political party.

SEC. 871–2. *Removal.*—The governor at any time shall remove any member of the Industrial Commission of Ohio for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

SEC. 871–3. *Inconsistent positions.*—No commissioner shall hold any position of trust or profit, or engage in any occupation or business, interfering or inconsistent with his duties as such commissioner, and no commissioner shall serve on any committee of any political party.

SEC. 871–4 (as amended 1917, p. 169). *Salary.*—Each of the members of the Industrial Commission of Ohio shall receive an annual salary of five thousand dollars, payable in the same manner as the salaries of other State officers are paid. Before entering upon the duties of his office, each member of said commission shall take and subscribe the constitutional oath of office and shall swear or affirm that he holds no position under any committee of a political party, which oath or affirmation shall be filed in the office of the governor. Each member of said commission shall give a bond in the sum of ten thousand dollars, which bond shall be approved by the governor and filed with the treasurer of state. All employees or deputies of the said com-

mission receiving or disbursing funds of the State shall give bond to the State in amounts and with surety to be approved by said commission.

SEC. 871–5 (as amended 1917, p. 157). *Organization.*—The Industrial Commission of Ohio shall choose one of its members as chairman. A majority of such commission shall constitute a quorum to transact business. No vacancy shall impair the rights of the remaining commissioners to exercise all of the powers of said commission so long as a majority remains; any investigation, inquiry, or hearing which said commission is authorized to hold, or undertake, may be held or undertaken by or before any one member of said commission, or by or before one of its deputies, and every order made by a member thereof, or by one of its duly authorized deputies, when approved and confirmed by a majority of its members, and so shown on its record of proceedings, shall be deemed to be the order of said commission.

SEC. 871–6. *Office.*—The commission shall keep and maintain its office in the city of Columbus, Ohio, and shall provide suitable room or rooms, necessary office furniture, supplies, books, periodicals, maps, and appliances as they deem necessary, the expense thereof to be audited and paid in the same manner as other State expenses. The commission may hold sessions in any place within the State of Ohio.

SEC. 871–7. *Expenses.*—The commissioners, employees and deputies of the commission shall be entitled to receive from the State their necessary and actual expenses while traveling on business of the commission, either within or without the State of Ohio. Such expenses shall be presented in an account verified by the person who incurred the expense, approved by the chairman of the commission, and shall be audited and paid as other similiar expenses are audited and paid.

SEC. 871–8. *Official seal.*—The commission shall have an official seal for the authentication of its orders and proceedings, upon which seal shall be engraved the words, "The Industrial Commission of Ohio," and such other design as the commission may prescribe; and the courts in this State shall take judicial notice of the seal of the said commission, and in all cases copies of orders, proceedings, or records in the office of the Industrial Commission of Ohio, certified by the secretary of the said commission under its seal shall be equal to the original as evidence.

SEC. 871–9 (as amended 1917, p. 157). *Sessions.*—The Industrial Commission of Ohio shall be in continuous session and open for the transaction of business during all business hours of each and every day, excepting Sundays and legal holidays. The sessions of said commission shall be open to the public and shall stand and be adjourned without further notice thereof on its record. All of the proceedings of said commission shall be shown on its record, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the record of proceedings as cast. * * * Said commission may hold sessions at or in any place in the State of Ohio.

SEC. 871–10. *Rules of procedure.*—Subject to the provisions of this act, the commission may adopt its own rules of procedure and may change the same from time to time in its discretion.

SEC. 871–11. *Departments merged in commission.*—On and after the first day of September, 1913, the following departments of the State of Ohio, to wit: Commissioner of labor statistics, chief inspector of mines, chief inspector of workshops and factories, chief examiner of steam engineers, board of boiler rules, and the State board of arbitration and conciliation, shall have no further legal existence, except that the heads of the said departments, and said boards, shall within ten days after the said date submit to the governor their reports of their respective departments for the portion of the year 1913 during which they were in existence, and on and after the first day of September, 1913, the Industrial Commission of Ohio shall have all the powers and enter upon the performance of all the duties conferred by law upon the said departments.

SEC. 871–12 (as amended 1913, p. 656). *Additional duties.*—The industrial commission shall supersede and perform all of the duties of the State liability board of awards. * * *

SEC. 871–13. *Definitions.* The following terms as used in this act shall be construed as follows:

(1) The phrase "place of employment," shall mean and include every place, whether indoors or out, or underground, and the premises appurtenant thereto

where either temporarily or permanently any industry, trade or business, is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is directly or indirectly, employed by another for direct or indirect gain or profit but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment," shall mean and include any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer," shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employee.

(4) The term "employee," shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment.

(5) The term "frequenter," shall mean and include every person, other than an employee, who may go in or be in a place of employment under circumstances which render him other than a trespasser.

(6) The term "deputy," shall mean and include any person employed by the industrial commission, designated as such deputy by the commission who shall possess special, technical, scientific, managerial, professional or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission, calling for the exercise of such abilities or qualities.

(7) The term "order," shall mean and include any decision, rule, regulation, direction, requirement, or standard of the commission, or any other determination arrived at or decision made by such commission.

(8) The term "general order," shall mean and include such order as applies generally throughout the State to all persons, employments, or places of employment, or all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(9) The term "local order," shall mean and include any ordinance, order, rule, or determination of any city or village council, or any trustees, or board or officers of any city or village upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare" shall mean and include comfort, decency and moral well-being.

(11) The terms "safe" and "safety" as applied to any employment or a place of employment shall mean such freedom from danger to the life, health, safety or welfare of employees or frequenters as the nature of the employment will reasonably permit, including requirements as to the hours of labor with relation to the health and welfare of employees.

SEC. 871-14. *Employment of assistants.*—The commission is authorized and empowered to employ, promote and remove a secretary, or secretaries, deputies, clerks, stenographers, and other assistants, as needed; to fix their compensation and to assign to them their duties. Such employments and compensation to be first approved by the governor.

SEC. 871-15. *Provisions for safety.*—Every employer shall furnish employment which shall be safe for the employees therein, and shall furnish a place of employment which shall be safe for the employees therein, and for frequenters thereof, and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes, follow and obey orders and prescribe hours of labor reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters.

SEC. 871-16. *Same subject.*—No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to obey and follow orders or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing

reasonably necessary to protect the life, health, safety and welfare of such employees or frequenters; and no such employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe.

SEC. 871–17. *Employee's duty.*—No employee shall remove, displace, damage, destroy or carry off any safety device or safeguard furnished or provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or frequenter of such place of employment, nor fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety and welfare of such employees and frequenters.

SEC. 871–18. *Employer to furnish information.*—Every employer shall furnish to the commission all information required by it to carry into effect the provisions of this act and shall make specific answers to all questions submitted by the commission relative thereto.

SEC. 871–19. *Blanks to be filled out.*—Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of this act, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question he shall give a good and sufficient reason for such failure; and said answers shall be verified under oath by the employer, or by the president, secretary, or other managing officer of the corporation, if the employer is a corporation, and returned to the commission at its office within the period fixed by the commission.

SEC. 871–20. *Access to premises.*—Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employees therein, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment.

SEC. 871–21. *Commissioners may issue orders.*—The Industrial Commission of Ohio is vested with the power and jurisdiction on and after the first day of September, 1913, to have such supervision of every employment and place of employment and of every other building and establishment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment or building or establishment, to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment, and every frequenter of such place of employment, including the power to regulate the hours of labor of employees in such employments and places of employment, with regard to the health and welfare of such employees to such extent as the nature of the employment will reasonably permit, not inconsistent with law.

SEC. 871–22 (as amended 1915, p. 510). *Duties of commission.*—It shall also be the duty of the industrial commission, and it shall have full power, jurisdiction and authority—

(1) *Appointment of advisers and assistants.*—To appoint advisers, who shall without compensation, assist the industrial commission in the execution of its duties; to retain and assign to their duties any or all officers, subordinates and clerks of the commissioner of labor statistics, the chief inspector of mines, the chief inspector of workshops and factories, the chief examiner of steam engineers, the board of boiler rules, chief inspector of steam boilers, the State board of arbitration and conciliation, and the State liability board of awards.

(2) *Enforcement of certain laws.*—On and after the first day of September, 1913, to administer and enforce the general laws of this State relating to mines, manufacturing, mechanical, electrical, art and laundering establishments, child labor, employment of minors, explosives, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses, schoolhouses, colleges, opera houses, halls, theaters, churches, infirmaries, children's homes, hospitals, medical institutes, asylums, and other buildings used for the assemblage or betterment of people in the State, bakeries, employment offices, stores, intelligence offices and bureaus, manufacturers of cigars, sweat-

shops, fire escapes, and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, employment of females, hours of labor, licensed occupations and school attendance, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment, frequenters of places of employment or relating to the health and safety of persons occupying or assembled in the structures named above, on and after the first day of September, 1913.

(3) *Determination of hours of labor, means of safety, etc.*—To investigate, ascertain, and on and after the first day of September, 1913, to declare and prescribe what hours of labor, safety devices, safeguards, or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards and other means and methods for the protection of life, health, safety and welfare of employees.

(4) *Standards of safety devices.*—To ascertain and on and after the first day of September, 1913, to fix such reasonable standards and to prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment.

(5) *Standards for construction of buildings.*—To ascertain, and on and after the first day of September, 1913, fix and order such reasonable standards for the construction, repair and maintenance of places of employment as shall render them safe.

(6) *Classification.*—To investigate, ascertain, and determine such reasonable classifications of persons, employments, and places of employment as shall be necessary to carry out the purposes of this act.

(7) *Regulations.*—To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities, and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor, and a copy delivered with every notice of hearing.

(8) *Promotion of arbitration.*—To do all in its power to promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees and to avoid the necessity of resorting to lockouts, boycotts, black lists, discriminations, and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide the necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in this act. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as assistants for the purpose of executing these provisions. The deputies may act on temporary boards without extra compensation.

(9) *Free employment agencies.*—To establish and conduct free employment agencies, and on and after the first day of September, 1913, to license and supervise the work of private employment offices to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the State of Ohio and the remedies therefor in this and other States and countries, and it shall devise and adopt the most efficient means in its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(10) *Statistics.*—To collect and collate all statistical and other information relating to employees, employers, employments and places of employment and such other statistics as may be necessary.

(11) *Licensing of engineers, etc.*—On and after September 1, 1913, to examine and license persons who desire to act as steam engineers, and persons who desire to operate steam boilers and persons who desire to act as inspectors of steam boilers; to provide for the scope, conduct, and time of such examinations, to provide for, regulate, and enforce the renewal and revocation of such licenses, to inspect and examine steam boilers and to make, publish, and enforce rules and regulations, and orders for the construction, installation, inspection, and operation of steam boilers and all appliances connected with steam boilers, and to do and require and enforce all things necessary to make such examination, inspection, and requirement efficient.

(12) *Rental of offices.*—To rent and furnish offices as needed in cities in this State for the conduct of affairs.

SEC. 871-23. (1) *Investigation of alleged unsafe place of employment.*—Upon petition after the first day of September, 1913, by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter, the commission shall proceed with or without notice to make such investigation as may be necessary to determine the matter complained of.

(2) *Orders.*—After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to render such employment or place of employment safe and not injurious to the welfare of the employees therein or frequenters thereof.

(3) *Investigation on own initiative.*—Whenever the commission shall learn that any employment or place of employment is not safe or is injurious to the welfare of any employee or frequenter, it may of its own motion summarily investigate the same, with or without notice and issue such order as may be necessary thereto.

SEC. 871-24. *Duties of other officers imposed on commission.*—All duties, liabilities, authority, powers, and privileges conferred and imposed by law upon the commissioner of labor statistics, special agents for the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules, and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspector of steam boilers, State board of arbitration and conciliation, are hereby imposed upon the Industrial Commission of Ohio and its deputies on and after the first day of September, 1913.

All laws relating to the commissioner of labor statistics, special agents of the commissioner of labor statistics, chief inspector of mines, district inspectors of mines, chief inspector of workshops and factories, first assistant chief inspector of workshops and factories, second assistant chief inspector of workshops and factories, district inspectors of workshops and factories, chief examiner of steam engineers, assistant chief examiner of steam engineers, district examiners of steam engineers, the board of boiler rules, head of the department of the board of boiler rules and chief inspector of steam boilers, assistant chief inspector of steam boilers, general inspectors of steam boilers, special inspectors of steam boilers, State board of arbitration and conciliation, on and after the first day of September, 1913, shall apply to, relate, and refer to the Industrial Commission of Ohio, and its deputies. Qualifications prescribed by law for said officers and their assistants and employees shall be held to apply, wherever applicable, to the qualifications of the deputies of the commission assigned to the performance of the duties now cast upon such officers, assistants, and employees.

SEC. 871-25. *Orders valid.*—All orders of the Industrial Commission of Ohio in conformity with law shall be in force and shall be prima facie reasonable and lawful; and all such orders shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of section 41 of this act, or until altered or revoked by the commission.

SEC. 871-26. *Take effect, when.*—(1) All general orders shall take effect within thirty days after their publication. Special orders shall take effect as therein directed.

(2) The commission shall, upon application of any employer grant such time as may be reasonably necessary for compliance with any order.

(3) Any person may petition the commission for an extension of time which the commission shall grant if it finds such extension of time necessary.

Sec. 871-27. *Petition for hearing.*—(1) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission in the manner provided in this act.

(2) Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable or unlawful, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

(3) *Decision.*—Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issues raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

(4) *Issuance of substitute order.*—Upon such investigation, if it shall be found that the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable.

(5) *Extension of time.*—Whenever at the time of final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

Sec. 871-28. *Effect on powers of local officers.*—(1) Nothing contained in this act shall be construed to deprive the council of any city or village or any board of trustees or officer of any city or village of any power or jurisdiction over or relative to any place of employment: *Provided*, That whenever the Industrial Commission of Ohio shall, by an order fix a standard of safety or any hygienic condition for employments or places of employment, such order shall, upon the filing by the commission of a copy thereof with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by said order. Thereafter no local officer shall make or enforce any order contrary thereto.

(2) *Hearing on local orders.*—Any person affected by any local order in conflict with an order of the commission may, in the manner provided in this act, petition the industrial commission for a hearing on the ground that such local order is unreasonable and in conflict with the order of the commission. The petition for such hearing shall conform to the requirements set forth for a petition in section 27 of this act.

(3) *Procedure.*—Upon receipt of such petition the commission shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village or city where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the commission may find directly interested in such decision, including the clerk of the village, or the mayor of the village or city from which such appeal came. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the commission, the commission may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.

Sec. 871-29. *Actions to set aside orders.*—No action, proceeding or suit to set aside, vacate or amend any order of the commission, or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 27 of this act, and in the petition therefor shall have raised every issue raised in such action.

Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable and lawful, unless prior to

the institution of the prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 41 of this act.

SEC. 871–30. *Oaths and witnesses.*—Each of the commissioners and the secretary of the commission for the purposes mentioned in this act shall have power to administer oaths, certify to official acts, issue subpœnas, compel attendance of witnesses and the production of papers, books, accounts, documents and testimony. In case of the failure of any person to comply with any order of the commission or any subpœna lawfully issued, or upon the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the common pleas judge of any county in this State on the application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

SEC. 871–31. *Witness fees.*—Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the court of common pleas, which shall be audited and paid by the State out of the State treasury in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But no witness subpœnaed at the instance of the parties other than the commission shall be entitled to compensation from the State for attendance or travel, unless the commission shall certify that his testimony was material to the matter investigated.

SEC. 871–32. *Depositions.*—The commission or any party may in any investigation cause depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions.

SEC. 871–33. *Records.*—A full and complete record shall be kept of all proceedings had before the commission on any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

SEC. 871–34. *Publication of orders.*—Publication of rules and orders of the commission shall be made by the commission in pamphlet form to be furnished on demand at the office of the commission. The expenses of publications shall be audited and paid as are other expenses of the commission.

SEC. 871–35. *Agents for investigations.*—(1) For the purpose of making any investigation with regard to any employment or place of employment, the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy, who is a citizen of the State, or any other competent person who is a resident of the State as an agent whose duty shall be prescribed in such order.

(2) In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission, and the same powers as a master commissioner appointed by a court of common pleas with regard to taking testimony.

(3) The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so orders, nor further investigation.

SEC. 871–36. *Special prosecutor.*—The commission shall have the authority to direct any deputy who is a citizen to act as special prosecutor in any action, proceeding, investigation, hearing or trial relating to matters within its jurisdiction.

Upon the request of the commission, the attorney general or the prosecuting attorney of the county in which any investigation, hearing or trial had under the provisions of this act is pending, shall aid therein and prosecute under the supervision of the commission, all necessary actions or proceedings for the enforcement of this act and all other laws of this State relating to the protection of life, health, safety and welfare, and for the punishment of all violations thereof.

SEC. 871–37. *Effect of technical omissions.*—A substantial compliance with the requirements of this act shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

SEC. 871–38. *Actions to set aside orders.*—Any employer or other person in interest being dissatisfied with any order of the commission may commence

an action in the Supreme Court of Ohio against the commission as defendant to set aside, vacate, or amend any such order on the ground that the order is unreasonable or unlawful and the supreme court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the commission shall be filed within ten days after service of summons upon it and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer said action shall be at issue and shall be advanced and assigned for trial by the court, upon the application of either party, at the earliest possible date.

SEC. 871–39. *Procedure.*—(1) If upon the trial of such action it shall appear that all issues arising in such action have not heretofore been presented to the commission in the petition filed as provided in section 27 of this act, or that the commission has not theretofore had ample opportunity to hear and determine any of the issues raised in said act, or has for any reason not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered and shall stay further proceedings in such action for fifteen days from the date of such transmission and may thereafter grant such further stay as may be necessary.

(2) Upon the receipt of such statement, the commission shall consider the issues not theretofore considered, and may alter, modify, amend, or rescind its order complained of in said action, and shall report its order thereon to said court within ten days from the receipt of the statement from the court for further hearing and consideration.

(3) The court shall thereupon order such amendment or other proceeding as may be necessary to raise the issues as changed by such modification of order as may have been made by the commission upon the hearing, if any such modification has in fact been made, and shall thereupon proceed with such action in the manner provided by law for other civil actions.

SEC. 871–40. *What court has jurisdiction.*—No court of this State, except the supreme court to the extent specified by this act, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend, or annul any order of the Industrial Commission of Ohio, or to suspend or delay the execution or operation thereof or to enjoin, restrain or interfere with the commission in the performance of its official duties: *Provided*, That the writ of mandamus shall lie from the said supreme court to the commission in all proper cases.

SEC. 871–41. *Suspension of orders.*—The pendency of an action to set aside, vacate or amend an order of the commission shall not of itself stay or suspend the operation of an order of the commission; but, during the pendency of said action the said supreme court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order. But no order so staying or suspending an order of the commission shall be made by the said court otherwise than upon three days' notice and after hearing. In case the order is stayed or suspended the order of the court shall not become effective until a suspending bond first shall have been executed, filed with and approved by the commission, or by the said court or the clerk thereof, payable to the State of Ohio, and sufficient in amount and security to insure the prompt payment by the party petitioning to set aside, vacate or amend such order of all damages caused by the delay in the enforcement of the order of the commission.

SEC. 871–42. *Preference of actions.*—All actions and proceedings under this act, and all actions or proceedings to which the Industrial Commission of Ohio or the State of Ohio may be parties, and in which any question arises under this act, or under or concerning any order of the industrial commission, shall be preferred over all other civil cases, except election causes and causes involving or affecting the Public Utilities Commission of Ohio, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the industrial commission in any action or proceeding in which he may be allowed to intervene.

SECS. 871–43, 871–44. *Violations.*—[Violations, or failure to perform any duty for which no penalty has been specifically provided, are punishable by fines, $50 to $1,000 for first offense, and $100 to $5,000 for each subsequent offense; each day's violation is a separate offense.]

SEC. 871–45. *Sections independent.*—The sections of this act, and every part of such sections, are hereby declared to be independent sections, and parts

of sections and the holding of any section or part thereof to be void or ineffective shall not affect any other section or part thereof.

SEC. 871–53a (added 1913, p. 654). *Reports by employers of females.*—Every person, partnership, or corporation engaged in the operation of any mercantile establishment within the State of Ohio and employing five or more female employees in or about said establishment shall make a report in writing to the Industrial Commission of Ohio within thirty days after the taking effect of this act, which report shall contain the following information with reference to female employees on the date of the taking effect of this act, viz:

(1) The total number of female employees employed in or about said mercantile establishment.

(2) The number of such female employees under the age of eighteen years.

(3) The name of each female employed in or about such mercantile establishment.

(4) The age of each female employed in or about such mercantile establishment.

(5) The number of hours per day each female is employed in or about such mercantile establishment.

(6) The number of hours per week each female is employed in or about such mercantile establishment.

(7) The wages per week paid to each female employed in or about such mercantile establishment.

(8) The class or kind of employment in or at which each female is employed in or about such mercantile establishment.

(9) Such other information relative to the hours of employment and wages paid to such female employees as may be required by the industrial commission of Ohio.

SEC. 871–53b (added 1913, p. 654). *Blanks.*—It shall be the duty of the Industrial Commission of Ohio to prepare and furnish free of charge to all employers described in section one [sec. 871–53a] hereof, who make application therefor, forms and blanks suitable for making the reports required herein.

SEC. 871–53c (added 1913, p. 654). *Violations.*—[Violation of section 871–53a entails a fine, $25 to $50, each day constituting a separate offense.]

SEC. 871–53d (added 1913, p. 654). *False statements.*—Any person, partnership or corporation required by this act to make a report provided for in section one [sec. 871–53a] hereof, who shall knowingly make a false statement with reference to any of the matters or things required by this act to be included in said report, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding fifty dollars.

Bureau of labor statistics—Powers of commissioner

SECTION 875. *Summoning witnesses, etc.*—In the performance of his duties, the commissioner of labor statistics may send for persons and papers, examine witnesses under oath and take depositions. The commissioner may deputize any disinterested person to serve subpœnas upon witnesses, who shall be summoned in the same manner and paid the same fees as witnesses before a court of common pleas; but no witness shall be required to leave the vicinity of his residence or place of business.

Free public employment offices

SECTION 881 (added 1913, p. 528). *Bond.*—Each special agent and district superintendent may be required by the commissioner of labor statistics to give a bond to the State in such an amount not exceeding two thousand dollars with such sureties as the commissioner approves. Said bond shall be deposited with the secretary of state and kept in his office.

SEC. 882. *No fee to be charged.*—No compensation or fee either directly or indirectly shall be charged or received from any person seeking employment or any person desiring to employ labor through a free public employment office. A superintendent of such office or the clerk therein who violates the provisions of this section shall be fined not exceeding fifty dollars and imprisoned in the county jail or workhouse not exceeding thirty days.

Inspection and regulation of factories, etc.—Refusing inspection or information

SECTION 885. *Penalty for refusal.*—An owner, operator, manager or lessee of a mine, factory, workshop, warehouse, elevator, foundry, machine shop,

manufacturing or other industrial establishment, his agent or employee or any other person who refuses to permit the commissioner of labor statistics or his agents to enter and inspect a building or establishment, or, willfully neglects or refuses to furnish the commissioner statistics or other information in his possession or under his control, which he is authorized by law to collect, or who willfully neglects or refuses for thirty days to answer questions submitted on circulars, or who knowingly answers any such questions untruthfully or who refuses to obey the subpœnas and give testimony as required by law shall be fined not less than fifty dollars nor more than five hundred dollars for each willful neglect or refusal.

Private employment offices

(As amended 1919, p. 349)

SECTION 886. *License.*—[For the conduct of an employment agency for hire a license must be obtained from the industrial commission. An annual fee of $100 is required.]

SECS. 887–889. *Definitions.*—[The terms "agency," "hire," and "employment" are defined.]

SEC. 890. *Exemptions.*—[Bona fide educational, religious, etc., organizations charging no fee other than ordinary membership dues, and associations of employees or of employers serving only their own members, are not subject to the provisions of this act.]

SEC. 891. *Issue of license.*—[Written application must be made on blanks furnished by the commission, accompanied by the fee and a bond in the amount of $1,000. The bond is conditioned on compliance with the law, and may be availed of by any person injured by acts of the licensee in violation of the law.]

SEC. 892. *Terms; contents.*—[Licenses are effective for one year unless revoked, and must show the name of holder, place of business, and number and date of license.]

SEC. 893. *Refusal.*—[License may be refused to those who have violated the laws or the orders of the commission as to employment agencies, or other laws so as to render the applicants unfit, in the opinion of the commission, to hold a license. In such case the fee must be returned.]

SEC. 894. *Revocation.*—[If a licensee or his partner or employee violates the provisions of this act or the orders of the commission, or is found to be not of good moral character, the commission may revoke his license. The holder may, within 10 days, petition for a hearing.]

SEC. 895. *Expiration.*—[Licenses are void on expiration, and must be returned to the commission.]

SEC. 896. *Change of location.*—[No change of location may be made without written consent of the commission.]

SEC. 896–1. *License to be posted.*—[Licensees must post their licenses and a copy of the law and of the commission's orders in their place of business.]

SEC. 896–2. *Record.*—[Records of all transactions must be kept and monthly reports made on forms furnished by the commission.]

SEC. 896–3. *Acts prohibited.*—[Licensees are forbidden to send applicants for positions to any place of bad repute, to permit persons of bad character to frequent their offices, to send persons to fictitious positions or to give false information, to send workers to a job where there is a strike or lockout without giving information of the fact, to secure the discharge of employees or split fees, to use false cards, advertisements, etc., to make false entries on their records, or to use any name or designation not approved by the commission.]

SEC. 896–4. *Fees.*—[Registration and other fees may be charged according to a schedule fixed by the industrial commission and posted in every room used by the agency.]

SEC. 896–5. *Regulations.*—[The commission is to enact regulations as to refunds of fees, etc., and payment of expenses of persons sent outside the city to nonexistent or misrepresented jobs.]

SEC. 896–6. *Receipts.*—[Receipts must be given for fees or commissions paid.]

SECS. 896–7 to 896–9. *Violations.*—[Acting without license entails a fine of $100 to $500 for the first offense, and $200 to $1,000 for a second. Other violations may be punished by fines of $25 to $500 for a first offense, and $100 to $500 for subsequent offenses. Fines go, one-half to the county and one-half to the industrial commission.]

SECS. 896–10 to 896–15. *Enforcement.*—[Enforcement rests with the industrial commission. The nature of evidence and the courts having jurisdiction are prescribed.]

Employment of labor—Foremen, etc., accepting fees

(Added 1917, p. 614)

SECTION 897. *Acts forbidden.*—Whoever requests or accepts a fee, gift, or gratuity or promise to pay a fee, to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he, as principal, agent, employee, or servant, shall hire, or undertake to secure or assist in securing work for another with his principal, employer, or master; or with an understanding that he shall advance or undertake to secure or assist in securing an advance in pay or position of another in the employ of his principal, employer, or master; or with an understanding that he shall prevent or undertake to prevent or assist in preventing the discharge or reduction in pay or position of another in the employ of his principal, employer, or master, shall be guilty of a misdemeanor.

SECS. 897–1 to 897–4. *Violations; enforcement.*—[Penalties for violations are for a first offense, fines, $25 to $100, and for subsequent offenses, $100 to $500, with costs in each case. Local courts, including justices of the peace, have jurisdiction; jury trial may be had. Authorized prosecutors need not advance or secure costs. Enforcement rests with the industrial commission.]

Mine regulations

SECTION 899 (as amended 1910, p. 52). *Chief inspector.*—[The chief mine inspector must have competent technical knowledge of chemistry, the mineralogy and geology of the State, mining and gases, mining engineering and electrical installations, and have had at least five years' experience in mining in Ohio.]

SEC. 900 (as amended 1921, p. 20). *District inspectors.*—[The industrial commission, with the approval of the governor, and on recommendation of the chief deputy of the division of mines, shall appoint 5 additional district inspectors, bringing the total to 17.]

SEC. 901 (as amended 1910, p. 52). *Qualifications.*—[District inspectors must have 2 years' residence in the district and 5 years' experience in the State, and a practical knowledge of working and ventilating mines, the nature of noxious gases, and the uses and dangers of electricity in mines.]

SEC. 904 (as amended 1913, p. 168). *Records.*—[Maps, plans, records, etc., of the mine inspector's office shall be kept at the capital, open and accessible to those entitled to examine them. District offices are also to be maintained.]

SECS. 906–914 (all as amended 1910, p. 52). *Duties of inspectors.*—[The chief inspector is to divide the State into districts, issue instructions, keep records, and may transfer or remove district inspectors for cause. On notice of fatal accidents, investigation and report must be made. Mines employing 10 or more persons must be inspected as often as practicable, at least every 3 months, as to conditions of the mine, machinery, etc. Weights and measures must be tested and the law enforced. Access to the mines must be allowed and weekly reports made by district inspectors to the chief inspector. The number of employees, and the number under 16 years of age are to be reported. Oil and gas wells likely to penetrate a workable seam of coal must be reported to the chief inspector, and must be drilled in compliance with the provisions of the law.]

SEC. 915 (as amended 1913, p. 467). *Rescue car.*—[A rescue car with prescribed equipment must be furnished and placed under the continuous charge of a man who gives bond for the faithful discharge of his duties.]

SEC. 915–1 (added 1919, p. 1278). *Rescue stations.*—[Five rescue stations with breathing devices, oxygen tanks, safety lamps, first aid supplies, etc., are to be established at suitable locations and placed under the care of qualified superintendents, who give their entire time to the duties of their position.]

SECS. 916–919 (as amended 1910, p. 52). *Violations.*—[The operation of mines not complying with the law may be enjoined. If maps or corrections thereof are not made and filed as required, the work may be procured by an inspector at the expense of the owner or lessee. Inspectors may be proceeded against for neglect of duty or malfeasance in office, with right of appeal to a board of examiners appointed for the case.]

SEC. 921 (as amended 1910, p. 52). *Abandoned mines; fatal accidents.*—[Maps of abandoned mines must be labeled and filed by the county recorder. The coroner must hold an inquest in cases of fatal accidents and report his findings to the chief inspector; the owner or lessee may also have a copy on request, on the payment of a fee.]

SECS. 922–927 (all as amended 1910, p. 52), 928, 929 (both as amended 1917, p. 150), 930–933 (all as amended 1910, p. 52), 934 (as amended 1921, p. 22). *Safety.*—[Provisions are made as to ventilation, the employment of fire bosses in mines generating fire damp, hoists, escape shafts, speaking tubes, safety cages, traveling ways, timbers, and provisions at mines for first aid.]

SEC. 934–1 (added 1919, p. 60), 934–1a (added 1921, p. 22). *Wash rooms.*—[Wash rooms, properly lighted and warmed for the use of miners in washing and changing clothing must be provided at mines where ten or more persons are employed. Failure to comply entails a fine of from $200 to $500.]

SECS. 934–2, 934–3 (both added 1921, p. 48), 935–937 (all as amended 1910, p. 52), 938 (as amended 1913, p. 500), 939–947 (all as amended 1910, p. 52), 948 (as amended 1919, p. 1111), 949 (as amended 1910, p. 52), 950 (as amended 1917, p. 150), 951–970 (as amended 1910, p. 52). *Safety, etc.*—[The installation of telephone connections with the outside is required where 20 or more men are employed. Maps must be furnished and kept up to date, and a correct map of abandoned mines filed. The approach to abandoned mines is regulated; notice of beginning or closing operations required, also of accidents causing loss of life or personal injury; owners must furnish test weights for scales used, also safety lamps where required, and shields for mining machines; signal and lighting systems are prescribed, the employment of children under 14 forbidden or under 15 during the school term. The sprinkling of dusty ways is required, and the storage of oil, the use of gasoline, and the location of boilers and of stables and the installation of electric wires, etc, regulated. The duties of superintendents, foremen, overseers, stablemen, fire bosses, miners, machinemen, motormen and trip riders are specified. Entering mines until there is a proper report of safety is forbidden, as are loitering, the use or possession of intoxicants, changing marks, monuments or checks on cars, carrying lighted pipes into stables, or obstructing ways. Lighting and the use of explosives are regulated. Miners working alone must have had at least nine months' experience, weighmasters and check weighmen are provided for, and the use of adjoining land authorized where necessary for ventilation, drainage, roadways, etc.]

SEC. 972 (as amended 1913, p. 67). *Actions; liens.*—[Injuries due to a violation of the act or willful failure to comply with its provisions are grounds for actions in damages. (Doubtless superseded by compensation legislation.) Liens for labor attach to all property of the owner or operator of a mine.]

SEC. 973 (as amended 1911, p. 457). *Wells.*—[Notice must be given of intention to sink oil, gas, etc., wells in the coal areas of the State. No oil or gas well may be sunk nearer than 300 feet from mine openings or 100 from mine buildings. If mine excavations are penetrated, the well must be cased. Abandoned wells must be securely plugged.]

SECS. 974 to 974–3 (all as amended 1913, p. 25), 975 (as amended 1910, p. 52). *Illuminants.*—[Illuminating oil must conform to a prescribed test and be properly labeled. Acetylene gas may be used on compliance with restrictions as to places, amount of carbide taken into the mine, and deposit of refuse.]

SEC. 976 (as amended 1911, p. 149). *Violations.*—[Penalties are prescribed for violations of the law by coroners, owners, and lessees, superintendents and foremen, or other persons, varying for the different classes and for the provision of law involved.]

SECS. 976–1 to 976–3 (all added 1914, p. 161). *Shooting coal.*—[Permits are required to do solid shooting in coal mines. These are issued on application to the industrial commission.]

SECS. 978–1 to 978–7 (all added 1914, p. 181; amended 1915, p. 350). *Weighing coal.*—[Where coal is mined or loaded by weight, the total contents of the car must be paid for unless otherwise agreed upon. Proper deductions for slate, sulphur, etc., are to be determined by the industrial commission. It is the duty of the parties to agree on an allowance for fine coal or slack; in its absence, the industrial commission may, on request of either party, fix and revise such allowance.]

Inspection and regulation of factories, etc.

SECTION 980. *Qualifications and duties of chief inspector.*—The chief inspector of workshops and factories shall be a competent and practical mechanic, and shall give his whole time and attention to the duties of his office. He shall enforce the provisions of this chapter and the laws relating to workshops, factories, and public buildings, prosecute violations thereof and perform such other duties as are required of him by law.

SEC. 985. *Qualifications of district inspectors.*—Each district inspector of workshops and factories shall be a competent and practical mechanic and must devote his whole time and attention to the duties of his office. Ten of such inspectors shall have knowledge of building construction, and one shall be a skilled and experienced person who is thoroughly conversant with the manufacture and use of powder, dynamite, nitroglycerin, fuses, and other explosives and their compounds.

SEC. 989. *Duties of district inspectors.*—Each district inspector of workshops and factories assigned to a district for the inspection of shops and factories therein shall carefully inspect the sanitary conditions, system of sewerage, situation and condition of water-closets, system of heating, lighting, and ventilating rooms where persons are employed at labor, and the means of exit in case of fire or other disaster, within or connected with such shops and factories. He shall examine the belting, shafting, gearing, elevators, drums, and machinery in and about such shops and factories, and see that they are not so located as to be dangerous to employees when engaged in their ordinary duties, and, so far as practicable, securely guarded. He shall see that each vat, pan, or structure filled with molten metal or hot liquid is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them.

SEC. 990. *Bakeries.*—Each inspector of workshops and factories assigned to a district for the inspection of bakeries therein shall visit each bakery in his district as often as practicable, see that the laws relating to workshops and factories and the laws relating to bakeries are strictly enforced, and perform such other duties pertaining to the department of workshops and factories as the chief inspector directs.

SEC. 991. *Manufacture of explosives.*—The district inspector of workshops and factories assigned to the inspection of buildings wherein explosives are manufactured or stored shall inspect all manufacturing establishments in the State wherein powder, dynamite, nitroglycerin, compounds, fuses, or other explosives are manufactured, all magazines or storehouses wherein such explosives are stored, and perform such other duties connected with the department of workshops and factories as the chief inspector of workshops and factories directs.

SEC. 992. *Same subject.*—The district inspector of workshops and factories assigned to the inspection of buildings in which explosives are manufactured or stored shall inspect the process of manufacture and the handling and storing of such explosives, and may order such changes or additions in or about such manufactories, magazines, or storehouses as he deems necessary for the safety of the employees and the public. If such manufactory, magazine, or storehouse is in such close proximity to a residence or dwelling as to cause accident in case of explosion, he may cause the explosives to be removed to a place of safety. With the advice of the chief inspector, the inspector of explosives may provide such rules and regulations as he deems necessary, which, with the laws relating thereto, and to the duties of the inspector of workshops and factories and district inspectors, shall be applicable to the places of manufacturing, sale, and storage of such explosives.

SEC. 994. *Entering factories, etc.*—For the purpose of an inspection or examination required of him by law the chief inspector of workshops and factories and each district inspector at reasonable hours may enter a shop or factory, a State institution having a shop or factory, a bakery, or a building in which powder or other explosives are manufactured or stored.

SEC. 995. *Power as to oaths.*—In the performance of his duties pertaining to his office the chief inspector of workshops and factories and each district inspector shall have the authority of a notary public to administer oaths and take affidavits.

SEC. 996 (as amended 1911, p. 360). *Notice of alterations.*—If the chief inspector of workshops and factories or a district inspector finds that the heating, lighting, ventilation, or sanitary arrangements of a shop or factory are injurious to the health of persons employed or residing therein, that the means of egress therefrom in case of fire or other disaster is not sufficient, that effi-

cient means for extinguishing fires is not provided on each floor, that the belting, shafting, gearing, elevators, drums, and machinery therein are so located as to be dangerous to employees and not safely guarded, or that the vats, pans, or structures filled with molten metal or hot liquid are not surrounded by proper safeguards for preventing accident or injury to persons employed at or near them, or that there is danger from explosives in a building in which explosives are manufactured or stored, he shall notify the owner, proprietor, or agent of such shop or factory or building by personally serving a notice in writing, or mailing it to his last known address, to make the necessary alterations or additions. Said notice shall describe the alterations and additions which shall be installed therein and the time in which each alteration or addition therein required shall be made and each appliance installed.

SEC. 997 (as amended 1911, p. 360). *Changes to be made.*—Upon receipt of the notice provided in the next preceding section, the owner, proprietor, or agent of a shop or factory shall make the necessary alterations or additions to such shop or factory or install the appliances therein required within the time designated therein.

SEC. 998 (as amended 1911, p. 360). *Violations.*—[Failure to comply with preceding sections is punishable by fine, $50 to $100 for each day's continued violation.]

SEC. 999. *Failure to obey orders.*—Proof of the failure of the proprietor of a shop or factory to make alterations or furnish the safeguards ordered by the chief inspector of workshops and factories or a district inspector within the time designated shall be deemed prima facie evidence of negligence and render such proprietor liable for injury sustained by reason of a failure to make such alterations or furnish such safeguards.

SEC. 1000. *Ordering changes.*—Upon an examination as provided by law, if it is found necessary to cut through the walls or floors of a shop or factory to provide stairways on the inside or outside for additional exits in case of fire or other disaster; if found necessary to make changes in or additions to a shop or factory for ventilation, sewerage, water-closets or plumbing, for additional means of lighting by windows or skylights, for efficient safety guards at elevator openings, for the guarding of hatchways, for hoisting apparatus in floors or outside, for the repair of elevators or gearing, for the repair of walls, roofs, ceilings, stairways, or doors, or, if found necessary, to make any other improvement needful for the health or safety of the employees or persons occupying a shop or factory, the chief inspector of workshops and factories shall require the owner or agent of the building in which such shop or factory is situated to provide the necessary fire escapes, changes, additions, or improvements, if they are of permanent character and will become the property of the owner of the building in which such shop or factory is located. Notice thereof must be given in writing to such owner or agent, which may be mailed to his last known address. Such time may be allowed for compliance therewith as the chief inspector of workshops and factories deems necessary.

SEC. 1002. *Definition.*—The term "shops and factories" as used in this chapter shall include the following: Manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and department [apartment] houses.

SEC. 1002-1 (added 1911, p. 360). *Operation may be enjoined.*—If the alterations and additions required in the notice provided for in sections 996 and 1000 are not made within the time therein designated or if the appliances that are required are not installed within the time designated, the use of the building within which the shop or factory is located for shop and factory purposes as defined in section 1002, shall be deemed a public nuisance. After the expiration of the time prescribed in such notice the chief inspector of workshops and factories may in writing inform the attorney general of the fact that such notice has been given and that the person to whom it was directed has not complied therewith. On receipt thereof, the attorney general shall bring suit in the name of the State in the court of common pleas of the county where such shop or factory is located to enjoin the continued operation of such shop or factory until the requirements of such notice are complied with. In such action it shall be sufficient to serve the summons upon the person to whom the notice prescribed in sections 996 or 1000 was sent, and such summons may be served in any county of the State. The court may issue a temporary restraining order without notice to the defendant in such action. Upon final hearing there-

of, if the court is satisfied that the requirements of the notice by the chief inspector of workshops and factories or the district inspector to the defendant was not unreasonable or arbitrary, it shall issue an order enjoining the defendant from the continued operation of such shop or factory or from permitting the use of such building for shop or factory purposes until compliance therewith. Such injunction shall continue operative until the court is satisfied that the requirements of such notice have been substantially complied with and the court shall have and exercise with respect to the enforcement of such injunctions all the powers vested in it in other similar cases. Both the plaintiff and defendant in such action shall have the same rights of appeal and error as are provided by law in other injunction cases.

SEC. 1003 (as amended 1911, p. 53). *Accidents to be reported.*—Every manufacturer of the State shall within three days after the happening of any accident in his establishment resulting in death, or bodily injury of such a nature that the person injured does not return to his or her employment in said establishment within two or more days after the occurrence of the accident, shall forward by mail to the chief inspector of workshops and factories a report containing the following particulars in full:

1. Name and address of manufacturer, (person, firm or corporation).
2. Nature of business in which manufacturer is engaged and place where accident occurred.
3. Name, address, sex, age, and kind of employment of person killed or injured and whether such person is married or single.
4. The time of day deceased began work on day of accident, time of day accident occurred, and date of accident or death.
5. At what employed when killed or injured, whether such person was familiar with the work at which engaged or the machinery which he was operating and whether such machinery was in good order and guarded so as to prevent accident under ordinary circumstances. If such machinery was not guarded, reasons for not guarding the same.
6. Description of manner in which such person was killed or injured.
7. Description of nature and extent of injury.
8. Number of persons deprived of support in consequence of such death or injury.

Such manufacturer shall, in all cases of death within six months after the accident, or in case the person injured returns to work in his establishment within six months after the accident, forward by mail to the chief inspector of workshops and factories within five days after such death or such return to work, or in case of no death or return to work within six months, then within five days after the expiration of such six months, a supplemental report which shall contain the following particulars in full:

1. Name and address of manufacturer.
2. Name, sex, and age of person injured and date and place where accident occurred.
3. A correct statement of the amount of wages paid to such person at the time of such injury and the amount of wages lost during the period between the time of such accident and the time of forwarding such supplemental report.
4. The amount of compensation paid by such manufacturer by reason of such injury or death, the names of persons to whom such compensation was paid and a statement of reasons for paying such amounts to such persons.

SEC. 1004 (as amended 1911, p. 53). *Violations.*—[Violations of the preceding section are punishable by fine of $50 to $100 for a first offense, $200 to $500 for subsequent offenses.]

SEC. 1005. *Definition.*—The term "manufacturer" as used in the preceding two sections shall include a person who as owner, manager, lessee, assignee, receiver, contractor, or as agent makes or causes to be made, or deals in any kind of goods or merchandise or who controls or operates a street railway or laundering establishment, or who is engaged in the construction of buildings, bridges or other structures, or in loading or unloading vessels or cars, moving heavy materials, or operating dangerous machinery, or engaged in the manufacture or use of explosives.

SEC. 1006. *Stairways.*—In tenement houses, apartments, manufactories, mills, shops, stores, churches, hotels, halls for public meetings, lecture rooms, restaurants, public library rooms, business offices of professional men and others doing business for or with the public, all public buildings and other rooms or

places of public resort or use, whether for the transaction of business or social enjoyment, the owners, directors, trustee, lessees, managers, controllers or proprietors thereof shall provide and maintain for all stairs or stairways for ingress or egress, a substantial handrail extending from the top to the bottom thereof, and firmly fastened to the wall or other support or partition at the side of such stairs. Such handrail shall be constructed of wood not less than one and one-half inches wide and two and one-half inches thick or of iron not less than one and one-half inches in diameter.

Sec. 1007. *Violations.*—[Violations of preceding section entail fine, $10 to $100, and liability for damages resulting therefrom.]

Sec. 1008 (as amended 1919, p. 540). *Female employees.*—Every person, partnership, or corporation employing females in any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, mercantile or other establishments shall provide a suitable seat for the use of each female so employed, and shall permit the use of such seats when such female employees are not necessarily engaged in the active duties for which they are employed and when the use thereof will not actually and necessarily interfere with the proper discharge of the duties of such employees, such seat to be constructed, where practicable, with an automatic back support and so adjusted as to be a fixture, but not obstruct employees in the performance of duty, and shall further provide a suitable lunch room, separate and apart from the workroom, and in establishments where lunch rooms are provided, female employees shall be entitled to no less than thirty minutes for meal time: *Provided*, That in any establishment aforesaid in which it is found impracticable to provide a suitable lunch room, as aforesaid, female employees shall be entitled to not less than one hour for meal time during which hour they shall be permitted to leave the establishment.

Females over eighteen years of age shall not be employed or permitted or suffered to work in or in connection with any factory, workshop, telephone or telegraph office, millinery or dressmaking establishment, restaurant, or in the distributing or transmission of messages, or in or on any interurban or street railway car, or as ticket sellers or elevator operators, or in any mercantile establishment located in any city, more than nine hours in any one day, except Saturday, when the hours of labor in mercantile establishments may be ten hours, or more than six days, or more than fifty hours in any one week, but meal time shall not be included as a part of the work hours of the week or day: *Provided, however*, That no restriction as to hours of labor shall apply to canneries or establishments engaged in preparing for use perishable goods, during the season they are engaged in canning their products.

This section is constitutional. Hawley *v.* Walker, 232 U. S. 718, 34 Sup. Ct. 479.

Sec. 1008–1 (added 1919, p. 540). *Employments prohibited.*—The employment of females in the following occupations or capacities is hereby prohibited, to wit: As crossing watchman, section hand, express driver, molder, bell hop, taxi driver, jitney driver, gas or electric meter reader, ticket seller, except between the hours of six o'clock a. m. and ten o'clock p. m., as workers in blast furnaces, smelters, mines, quarries, except in the offices thereof, shoeshining parlors, bowling alleys, pool rooms, bar rooms and saloons, or public drinking places which cater to male customers exclusively, and in which substitutes for intoxicating liquors are sold or advertised for sale, in delivery service on wagons or automobiles, in operating freight or baggage elevators, in baggage handling, freight handling, and trucking of any kind, or in employments requiring frequent or repeated lifting of weights over twenty-five pounds. Any violations of the provisions of this section shall be punished as provided in section 1011 of the General Code.

Sec. 1009 (as amended 1911, page 488). *Toilets, etc.*—[Suitable and separate toilets and dressing rooms must be provided for male and female employees.]

Sec. 1010 (as amended 1911, page 488.) *Same.*—[Where there are no sewerage facilities, toilets, etc., shall be placed at a distance not less than 20 nor more than 50 feet from building.]

Sec. 1011 (as amended 1911, page 488). *Violations*—[Violation is punishable by a fine of not less than $25 nor more than $200.]

Sec. 1011–1 (added 1923, p. 314). *Wiping rags.*—No person, firm, copartnership, or corporation, operating a workshop or factory, shall furnish or deliver to any employee, any cloth or other material to be used as wiping rags by employees in such workshops or factory, unless such cloth or other material

shall first be thoroughly washed with soap and alkali soda, sterilized with chemical preparations and dried with an average heat of 212 degrees.

[Violation entails a fine of from $25 to $100 for a first offense; $200 to $300 for a second; and imprisonment 30 to 90 days for a third and subsequent offenses.]

SEC. 1020. *Manufactures in tenements.*—No dwelling or building or room or apartment thereof in or connected with a tenement, dwelling or other building shall be used, except by the immediate members of the family living therein, for carrying on any process of making wearing apparel or goods for wear, use or adornment, or for manufacturing cigars, cigarettes or tobacco goods in any form, if such wearing apparel or other goods are to be exposed for sale or sold by a manufacturer, wholesaler or jobber or by a retailer, unless such room or apartment is made to conform to the requirements and regulations herein provided.

SEC. 1021. *Workrooms.*—Each room or apartment used for the purposes named in the preceding section, except by the immediate members of the family living therein, shall be regarded as a shop or factory and shall be separate from and have no door, window or other opening into a living or sleeping room of a tenement or dwelling. No such shop or factory shall be used for living or sleeping purposes or contain any bed, bedding or cooking utensils, or other utensils, except those required to carry on the work therein. Each such shop or factory shall have a direct entrance from the outside, and, if above the first floor, have a separate and distinct stairway leading thereto, and be well and sufficiently lighted, heated and ventilated.

SEC. 1022. *Toilets, etc.*—[Suitable separate toilets must be provided for each sex, for employees under secs. 1020, 1021.]

SEC. 1023. *Cleanliness.*—If more than one room is used under the direction of one employer for the purposes named in the preceding three sections, such room shall be regarded as one shop or factory. Each shop or factory shall be kept in a clean and wholesome condition, stairways and premises within the radius of thirty feet shall be kept clean, and closets regularly disinfected and supplied with disinfectants. The chief inspector of workshops and factories or a district inspector may require necessary changes or the cleaning, painting, or whitewashing necessary to insure absolute freedom from odor, filth, vermin, decaying matter or any other thing liable to impair health or breed infections or contagious diseases. Such inspector shall prevent the operation of such shops and factories, if they do not conform to the provisions of the preceding sections, and cause the arrest and prosecution of the persons operating them.

SEC. 1023–1 (added 1913, p. 491). *Violations.*—[Punishment is by fines, $25 to $100, for each succeeding offense.]

SEC. 1024. *Work not to be given out, when.*—No person, firm, or corporation shall give work to or contract with a person to make goods used for wearing apparel or adornment or to manufacture tobacco, after receiving notice from the chief inspector of workshops and factories or a district inspector that such person has not complied with the provisions of law relating to rooms in which such goods are manufactured. The notice shall remain in force until such person has complied with the provisions of law. Each person, firm, or corporation shall obtain and keep a record of all persons to whom work is given or with whom it is contracted for or from whom such goods or tobacco is purchased, which record must include their names and addresses, and be open to the inspection of the chief inspector of workshops and factories or a district inspector.

SEC. 1025. *Sale, etc., of goods.*—No person or corporation shall receive, handle, or convey to others, or sell, hold in stock or expose for sale the goods named in the preceding section, unless such goods are made under the sanitary conditions prescribed herein, but this does not include the making of garments or other goods for another by personal order, which will be received for wear or use direct from the maker's hands.

SEC. 1026. *Violations.*—Violation of two preceding sections is punishable by fine, $50 to $100, or imprisonment 30 to 60 days, or both.]

SEC. 1027 (as amended 1911, p. 428). *Guards for dangerous machinery, etc.*—The owners and operators of shops and factories shall make suitable provisions to prevent injury to persons who use or come in contact with machinery therein or any part thereof as follows:

1. They shall case or box all shafting operating horizontally near floors, or perpendicularly or otherwise between, from or through floors or traversing near floors, or when operating near a passageway or directly over the heads of the employees.

2. They shall inclose with substantial railing or casing all exposed cogwheels, flywheels, band wheels, main belts, transmitting power from engine to dynamo, or other kind of machinery and all openings through floors, through or in which such wheels or belts may operate.

3. They shall cover, cut off or countersink keys, bolts, set screws and all parts of wheels, shafting, or other revolving machinery projecting unevenly beyond the surface of such revolving machinery.

4. They shall case in all unused openings of elevators and elevator shafts and place automatic gates or floor doors on each floor where entrance to the elevator carriage is obtained. They shall keep such gates or doors in good repair and examine frequently and keep in sound condition the ropes, gearing, and other parts of elevators.

5. They shall close stair openings on each floor, except where access to stairs is obtained, and rail such stairs between floors.

6. They shall light the hallways, rooms, approaches to rooms, basements, and other places wherein sufficient daylight is not obtainable.

7. They shall guard all saws, wood-cutting, wood-shaping, and all other dangerous machinery.

8. They shall provide shifters for shifting belts, and poles and other appliances for removing, replacing, and repairing belts or single pulleys.

9. They shall adjust with handralling, runways and staging used for oiling and other purposes when more than five feet from floors.

10. They shall provide countershafting in each room separate from the engine room, with tight and loose pulleys and other suitable appliances for disconnecting machinery when in operation.

11. They shall provide emery wheels or belts of solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts, rolled or coated with emery or corundum, or cotton wheels used as buffs, with blowers or similar apparatus placed over, beside or under such wheels or belts in such a manner to protect the person or persons using them from particles of dust produced and caused thereby.

12. They shall provide each emery wheel with a sheet or cast iron hood or hopper of such form and so applied to it that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to such hood or hopper.

13. They shall provide an emery wheel six inches or less in diameter with a three-inch suction pipe, an emery wheel six inches to twenty-four inches in diameter with a four-inch suction pipe; an emery wheel twenty-four inches to thirty-six inches in diameter with a five-inch suction pipe and every emery wheel larger than those provided for with a suction pipe not less than six inches in diameter. Such suction pipe shall be full-sized to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached, shall be equal in its diameter and capacity to the combined area of the smaller pipes attached to it. The discharge pipe from the exhaust fan connected with pipe or pipes shall be as large or larger than the suction pipe.

14. They shall provide necessary fans or blowers connected with suction pipes, which shall be run at a rate of speed sufficient to produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a volume of water not less than five inches in a U-shaped tube. All branch suction pipes must enter the main pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to them as possible and be either upon the floor or beneath the floor on which the machinery to which such wheels are attached are placed. All bends, turns, or elbows in such suction pipes must be made with easy, smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

15. Nothing in this section regarding blowers, hoods, hoppers, or suction pipes shall apply to emery wheels upon which water is used at the point of grinding contact, small emery wheels used temporarily for tool grinding or small shops employing not more than one man at work upon an emery wheel,

which does not create dust enough in the opinion of the chief inspector of workshops and factories or a district inspector to be injurious to its operator. No female shall be employed in operating, assisting to operate, or using any of the wheels or belts specified in the preceding four subdivisions of this section.

SEC. 1028 (as amended 1911, p. 427). *Violations.*—[Violations of the preceding section are punishable by fines, $100 to $300. Inspectors prosecuting are not required to secure costs; if suits are lost, the county pays the costs.]

SEC. 1028–1 (added 1911, p. 360). *Means of egress.*—The owners of buildings wherein shops or factories are operated shall make suitable provisions for the safe and speedy egress therefrom in case of fire or other disaster of persons employed in such shop or factory or residing therein or who may be invited any time thereinto as follows:

1. They shall provide on each floor or basement of each section of such building separated from other sections or parts thereof by fire walls, or not so separated, and in which a shop or factory is operated, excepting only rooms on such floors or basements used only for storage purposes, two separate and distinct means of egress placed at opposite ends of the section or building and located as far apart as possible. Such means of egress shall be either an inclosed fireproof stairway running continuously from each floor on which such shop or factory is operated to the grade line and opening directly to the outside of the building; or a standard fire escape leading from such floors to the grade line or a convenient and safe distance above grade line; or a self-closing door leading directly to the next adjoining section of the same building containing a stairway, or a door opening directly upon a street, alley, or open court.

2. They shall provide substantial handrails on each side of all stairways.

3. They shall provide on each floor on which a shop or factory is operated doors or other means of egress therefrom to such fire escapes or inside stairways, which said doors or other means of egress must swing outward and toward the natural means of egress, and if capable of being locked or latched, the same must be operated from the inside.

4. They shall provide signs over all doors as exits and over all openings or passageways leading to exits which shall be clearly marked with the word "Exit" in plain block letters not less than six inches high; such signs shall be so placed that they may be seen from any part of the room, if possible.

5. They shall so arrange and hang doors and windows or other means of egress to fire escapes or fireproof stairways that when open they shall not obstruct or close off any of the passageway or in any way interfere with the use of fire escapes or other means of egress.

SEC. 1028–2 (added 1911, p. 360). *Rules for safety.*—The owners and operators of manufacturing, mechanical, electrical, mercantile, art, and laundering establishments, printing, telegraph and telephone offices, and railroad depots shall observe the following rules and regulations for the safety of persons employed or assembled therein:

1. The number of persons at any time employed or permitted to work or to be assembled therein shall at no time be such as to provide fewer than the following number of square feet of floor space for each person:

If the establishment, office, or depot is in a basement, there shall be ten square feet to a person; if on the first or grade floor, eight square feet to a person; if on the second floor, ten square feet to a person; if on the third floor, fifteen square feet to a person; if on the fourth floor, twenty square feet to a person; if on the fifth floor, thirty square feet to a person; if on the sixth floor, forty square feet to a person; if on the seventh floor, sixty square feet to a person; if on the eighth floor, eighty square feet to a person; if on the ninth floor, one hundred square feet to a person; if on or above the tenth floor, one hundred and twenty-five square feet to a person.

2. The number of persons employed or permitted to work or assemble therein shall at no time be greater than one hundred persons for each three feet of exit space, but this ratio may be decreased where highly inflammable materials are manufactured, sold, or stored, by order of the chief inspector of workshops and factories, a district inspector thereof, or the chief of any fire department having authority in the premises.

3. Each floor on which any establishment mentioned in this section is located shall be provided with standpipe with one and one-half inch hose not more than seventy-five feet in length, so located that any part of the floor may be reached

by a stream of water expelled therefrom, and where water supply is not available fire extinguishers or barrels of salt water with round-bottom buckets may be substituted.

4. The floors of all such establishments shall be swept at least once a day and the sweepings therefrom removed from every room thereof.

5. No door or other means of egress shall be locked, barred, or bolted during the time when such shop or factory is operated.

6. Such owners or operators shall provide passageways or aisles equal in width to such doors or exits and leading to the same from all parts of the floor on which the shop or factory is operated, and shall keep such passageways or aisles at all times clear of all obstructions.

In computing the number of persons who may be employed or assembled in any such establishment, the portion of the floor space occupied by counters, cases, and fixtures, or from which the public is excluded, shall be deemed and regarded as floor space.

SEC. 1028-3 (added 1911, p. 360). *Violations.*—Whoever violates any of the provisions of the preceding sections shall be fined not less than one hundred ($100) dollars nor more than one thousand ($1,000) dollars.

SEC. 1028-4 (added 1919, p. 1121). *Fire drills.*—In every factory and loft building in the State devoted to manufacturing purposes three or more stories in height a fire drill of all the employees of such building shall be conducted at least once in every month and shall be subject to the approval and supervision of the Industrial Commission of Ohio. A fire drill shall be arranged so as to conduct every employee of such building within five minutes after the sounding of the alarm, to the street, or to an open court having direct means of egress to the street by means of an alley or fireproof passage, or to any portion of the same or an adjoining building which has independent means of egress to the street and which is separated vertically from the section of the building in which the alarm is first sounded, by means of a standard fire wall, the only openings in which are guarded by self-closing fire doors.

SEC. 1028-5 (added 1919, p. 1121). *Regulations.*—That such fire drill may be uniform in all factories and loft buildings in the State, devoted to manufacturing purposes, it shall be the duty of the industrial commission to prepare an outline for such fire drills. This outline shall be printed at the expense of the State under the direction of the industrial commission, and shall be distributed in quantities sufficient to provide a copy for every factory and loft building devoted to manufacturing purposes, three or more stories in height located in any city or village in the State.

SEC. 1028-6 (added 1919, p. 1121). *Fireproof buildings.—Provided, however,* that when such building is of fireproof construction, and when the necessary means of egress therefrom has been provided, and the proper precautions have been taken for the prevention and extinguishment of fire therein the Industrial Commission of Ohio may in its discretion prescribe the conduct of fire drills in such buildings at intervals less frequent than hereinabove set forth.

SEC. 1028-7 (added 1919, p. 1121). *Violations.*—Any person, firm or corporation who fails to comply with this act, or who fails to put same into effect on or after the passage of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than fifty dollars for the first offense, and not less than one hundred dollars, nor more than one thousand dollars for subsequent offenses.

SEC. 1029. *Notice as to dangerous machinery.*—The chief inspector of workshops and factories, or a district inspector, if he deems it advisable, may paste upon a machine, device, elevator, utensil, structure or machinery, or part thereof, a notice stating that it or a part thereof does not conform to the provisions of the second preceding section, and that operators or employees are liable to injury by operating it. Such notice shall designate and describe the alteration or other change necessary to be made in order to secure safety of operation, date of inspection, and time allowed for such alteration or change. After the pasting of such notice on a machine, it shall not be used or operated until the changes or alterations indicated in the notice have been made to the satisfaction of the chief inspector or district inspector.

SEC. 1030 (as amended 1911, p. 150). *Violations.*—[Penalties for violation of the preceding section are $100 to $200 for first offense; $500 to $1,000 for each subsequent offense.]

Inspection of steam boilers

(Added 1911, p. 494)

SECTION 1058–7 (as amended 1913, p. 649). *Boilers to be inspected.*—[The inspection of steam boilers used in industrial plants and of steam fire engines, internally, externally, and under operating conditions, is required at least once a year.]

SECS. 1058–8 to 1058–12. *Rules.*—[The board of boiler rules (now the industrial commission; see secs. 871–1 et seq.) must formulate rules for the construction, installation, operation, and equipment with safety valves, fusible plugs, etc., of steam boilers. Special hearings may be held with regard to changes in the rules, and special rules may be formulated for boilers not covered by existing rules. Applicants for positions as boiler inspectors are to be examined.]

SEC. 1058–15 (as amended 1913, p. 528). *Bonds.*—[The chief inspector must give bond in the sum of $5,000, and assistant and general inspectors of $2,000, conditioned upon the faithful performance of duty.]

SEC. 1058–17 (as amended 1921, p. 255). *Inspectors.*—[Ten general inspectors may be appointed by the chief inspector, with the consent of the governor, from the list of persons examined and certified. Companies writing boiler insurance may appoint as inspectors persons holding certificates of competency approved by the board, and the chief inspector may designate them as special inspectors.]

SEC. 1058–18. *Revocation.*—[Certificates may be revoked by the chief inspector for incompetence or untrustworthiness; appeal is allowed to the board (industrial commission). Certificates to replace those lost will issue without reexamination.]

SEC. 1058–19 (as amended 1913, p. 649). *Inspection.*—[Inspectors must give 14 days' notice of inspection, and the owner or user of a boiler must prepare the same for internal and external inspection at the appointed time. Notice need not be given of inspection under operating conditions. If a hydrostatic test is advisable, the owner or user must prepare for it. Steam pressure and water level gauges and safety valves must be observed, and no one may remove safety appliances or load the safety valve beyond the allowance shown in the certificate of inspection.]

SECS. 1058–20, 1058–21 (both as amended 1913, p. 649). *Certificates.*—[On report by an inspector of safe working conditions and fittings, the chief inspector shall issue a certificate stating name of the owner or user, the location, size, etc., of each boiler, date of inspection, name of inspector, with quotations from statutes as deemed necessary, such certificate to be posted in the boiler room; or for a portable engine, on the premises. If conditions are defective, certificates shall be withdrawn or withheld until the boiler and its fittings are put in a safe condition; but an appeal may be taken to the chief inspector, in case of disagreement. Inspections and reports do not relieve the owner or user from the exercise of due care or from liability for damages from its lack.]

SEC. 1058–23 (as amended 1921, p. 255). *New installations.*—[All boilers must be inspected when installed. No certificate will be granted unless there was inspection during construction, and the boiler conforms, on completion, in every detail, to the formulated rules.]

SEC. 1058–24. *Moving boilers.*—[Notice must be given of the removal of a stationary boiler required to be inspected, and it may not be used until inspected in its new location.]

SEC. 1058–25 (as amended 1913, p. 645). *Fees.*—[The fee for internal and external inspection is $5 for each boiler, and $2 for inspection during operation. For inspection during construction the fee is $10 within the State; if such inspection is desired by manufacturers outside the State it may be had on application to the chief inspector and payment of the fee and traveling expenses.]

SEC. 1058–26. *Enforcement.*—[Enforcement of the law and of the rules formulated by the board rests with the chief inspector, who supervises the work of the inspectors named in the act.]

SEC. 1058–28 (as amended 1913, p. 649). *Violations.*—[Owners or users violating the law or hindering inspectors are subject to fines of not less than $20 nor more than $500.]

Arbitration of labor disputes

SECTION 1063. *Duty to investigate controversies.*—When a controversy or difference, not involving a question which may be the subject of an action or proceeding in a court of this State, exists between an employer and his employees, upon application as hereinafter provided, and as soon thereafter as practicable, the State board of arbitration and conciliation shall visit the locality of the dispute, make careful inquiry into the cause thereof, hear all persons interested therein who come or are subpœnaed before it, and advise the respective parties what, if anything, ought to be done or submitted to by either or both such parties to adjust the dispute.

SEC. 1064. *Decisions.*—If the State board of arbitration and conciliation fails to bring about an adjustment of such differences, it shall immediately make a written decision thereon. This decision shall at once be made public, be recorded in a proper book of record to be kept by the secretary of the board, and a short statement thereof published in its annual report. The board shall also cause a copy of the decision to be filed with the clerk of the county or city in which the business is carried on.

SEC. 1065. *Applications.*—An application to the State board of arbitration and conciliation may be made by one or both of the parties to a controversy. It must be signed by the employer or by a majority of his employees in the department of business in which the controversy or difference exists, or by the duly authorized agent of either or both parties. If an application is signed by an agent claiming to represent a majority of such employees, the board must be satisfied that the agent is duly authorized in writing to represent such employees, but the names of the employees giving the authority shall be kept secret by the board.

SEC. 1066. *Contents of application.*—The application shall contain a concise statement of the grievances complained of, and a promise to continue in business or at work, in the same manner as employed at the time of the application, until the decision of the board, in case such decision is rendered within ten days from the date of the application. A joint application may contain a stipulation that the decision of the board under it shall be binding upon the parties to the extent so stipulated, in which case the decision to such extent may be made and enforced in the court of common pleas of the county from which such joint application is presented in like manner as upon a statutory award.

SEC. 1067. *Hearings.*—Upon the receipt of the application, the secretary of the State board of arbitration and conciliation shall give public notice of the time and place for the hearing thereof, unless both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board orders, and at any time during the proceedings the board may give public notice, notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further therein without the written consent of the adverse party.

SEC. 1068. *Witnesses.*—The State board of arbitration and conciliation may subpœna as a witness any operative in the department of business affected, a person shown by affidavit, on belief or otherwise, to have knowledge of matters in controversy or dispute, or a person who keeps the records of wages earned in a department, and examine him under oath concerning such matters. The board may require the production of books or papers containing the record of wages earned or paid in any department involved in a controversy or dispute. Subpœnas may be signed and oaths administered by any member of the board.

SEC. 1069. *Service.*—A subpœna or notice may be delivered or sent to a sheriff, constable, or police officer, who shall forthwith serve or post it and make due return thereof. For such service the officer shall receive the fees allowed by law in similar cases, payable upon the certificate of the board, and warrant of the county auditor, from the treasury of the county wherein the controversy to be arbitrated exists. The board shall have such power and authority to maintain and enforce its orders at its hearings, and obedience to its writs of subpœna as are conferred by law on the court of common pleas for like purposes.

SEC. 1070. *Local boards.*—The parties to any such controversy or difference may submit in writing the matters in dispute to a local board of arbitration and conciliation. Such board may be mutually agreed upon or the employer may designate one of the arbitrators, the employees or their duly authorized

agent another, and the two arbitrators so designated a third, who shall be chairman of the board.

SEC. 1071. *Powers of local boards.*—In respect to matters referred to it, a local board of arbitration and conciliation shall have such powers as by law are conferred upon the State board, and the decision of such local board shall have such binding effect as is agreed upon by the parties to the controversy in the written submission. The local board shall have exclusive jurisdiction in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. A decision of a local board upon a written submission shall be rendered within ten days after the close of the hearing thereon, and at once filed with the clerk of the county or city in which the controversy or difference arose. A copy of such decision shall be forwarded to the State board.

SEC. 1072. *Compensation.*—Each member of a local board of arbitration shall receive from the county or city in which the controversy or difference exists, the sum of three dollars for each day of actual service, not exceeding ten days for any arbitration, if such payment is approved in writing by the commissioners of the county or the council or the proper officer of the city.

SEC. 1073. *Notice of strike to be given.*—If it is made to appear to the mayor of a city or a probate judge of a county, that a strike or lockout is seriously threatened or has actually occurred in his vicinity, he shall immediately notify the State board of arbitration and conciliation of the fact, and state in the notice the name and location of the employer, the nature of the trouble and the number of employees involved, so far as such facts are known to him. If it comes to the knowledge of the State board by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred involving an employer and his present or past employees, the board as soon as practicable shall enter into communication with such employer and employees.

SEC. 1074. *Conciliation.*—In either case named in the preceding section, if practicable, the State board shall endeavor to effect an amicable settlement between the employer and his employees, otherwise it shall endeavor to persuade them to submit the matter in dispute to a local board of arbitration or to the State board. If it deems it advisable the State board may investigate the cause of such controversy and ascertain which party thereto is responsible for its existence or continuance. It may make and publish a report with a finding of the cause or causes, and the party or parties responsible therefor. If no settlement or arbitration is obtained because of the opposition of one of the parties to the controversy, an investigation and publication shall be made if requested by the other party. For the purposes named in this section the board shall have the same powers as are conferred upon it when an application is made as provided in the preceding sections.

SEC. 1075. *Witness fees.*—Each witness summoned by the State board of arbitration and conciliation shall be allowed fifty cents for each attendance and twenty-five cents for every hour of attendance in excess of two hours, together with five cents a mile for traveling each way from his place of employment or business to the place of the meeting of the board. Such witness must make a statement in writing of the number of miles traveled and his attendance. The State board shall certify the amount due him, and the auditor of the county in which the controversy or difference exists shall issue his warrant upon the county treasurer for the amount so certified. The expense of a publication authorized by the provisions of this chapter shall be certified and paid as provided for the payment of fees.

SEC. 1076. *Apportionment of costs.*—If a strike or lockout extends to several counties, the expenses incurred under such provisions not payable from the State treasury shall be apportioned among and paid by the counties in such manner as the State board directs.

SEC. 1077. *Definitions.*—The term "employer," as used in the provisions of this chapter, shall mean an individual, a copartnership or corporation employing not less than twenty-five persons in the same general line of business in this State. The term "employees" shall mean not less than twenty-five persons directly involved in a controversy or difference. Several employers cooperating with respect to any controversy or difference shall be included in the term "employer," and the term "employee" shall include aggregations of employees of several employers so cooperating.

NOTE.—The State board of arbitration and conciliation mentioned in this act has been superseded by the industrial commission: Sec. 871-1 et seq.

Occupational diseases—Reports

(Added 1913, p. 184)

SECTION 1243–1 (as amended 1919, p. 1129). *Reports required.*—Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorous, arsenic, brass, wood alcohol, mercury, or their compounds, or from anthrax or from compressed air illness and such other occupational diseases and ailments as the State department of health shall require to be reported, shall within forty-eight hours from the time of first attending such patient send to the State commissioner of health a report stating:

(*a*) Name, address and occupation of patient.

(*b*) Name, address and business of employed [employer].

(*c*) Nature of disease.

(*d*) Such other information as may be reasonably required by the State department of health.

The reports herein required shall be made on, or in conformity with, the standard schedule blanks hereinafter provided for. The mailing of the report, within the time required, in a stamped envelope addressed to the office of the State commissioner of health, shall be a compliance with this section.

SEC. 1243–2 (as amended 1919, p. 1129). *Blanks.*—The State department of health shall prepare and furnish, free of cost, to the physicians included in the preceding section, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the State department of health.

SEC. 1243–3. *Reports not evidence.*—Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 1243–4 (as amended 1919, p. 1129). *Transmission of reports.*—It shall furthermore be the duty of the State department of health to transmit a copy of all such reports of occupational disease to the proper officials having charge of factory inspection.

SEC. 1243–5 (added 1919, p. 1129). *Violations.*—[Neglect or refusal to make the report subjects physicians to a fine not to exceed $100 or imprisonment not over 90 days, or both; but no one shall be imprisoned for a first offense. A second or repeated offense must be alleged in the affidavit in order to base prosecution for such an offense.]

Suits for wages—Judgments not to be stayed

SECTION 1558–77a (added 1915, p. 365). *Amount.*—[A judgment for wages for manual labor not in excess of $100 is not subject to stay of execution.]

Industrial statistics—Duty of assessors

SECTION 3356. *Information from manufacturers, etc.*—Annually, at the time of taking the lists of personal property for taxation, the assessor shall require and take for each person, company and corporation in his township or precinct verified by oath, the statements for the preceding year following:

* * * * * * *

The number of bushels of stone coal mined; the number of persons engaged in mining stone coal, and the average rate of wages paid; the number of tons of iron ore mined; the number of persons engaged in mining iron ores, and the average rate of wages paid; * * *

The number of adult male persons engaged in each of the mechanic arts, and the average monthly or daily wages of each; the number of common laborers, and the average daily wages of each; the number of common farm laborers, and the average monthly wages of each; the average monthly wages paid to clerks and salesmen and saleswomen; the average monthly wages paid to bookkeepers.

SEC. 3359. *Penalty for refusal.*—Any person, company, or corporation, refusing to make out and deliver a statement of the facts, or any of them, herein required, shall forfeit and pay to the State not less than fifty nor more than one hundred dollars, * * *

Fire escapes, etc., on factories, etc.

Section 4658. *Exits required.*— If a factory, workshop, tenement house, inn, or public house is more than two stories high, the owner or agent of the owner shall provide convenient exits from the different upper stories thereof, which shall be easily accessible in case of fire, and the owner or person having control of an inn or public house where travelers or boarders are lodged above the second story thereof shall also provide a good rope or other life line for each sleeping room for guests above such story.

Sec. 4659. *Life-saving devices.*—The owner or agent of the owner of a factory, workshop, tenement house, inn, or public house, if it is more than three stories high, in addition to the provisions governing three-story buildings, shall provide a life-saving device or net, which shall be approved by the fire chief of the city, or village in which such building is situated, or if such building is situated outside of the city or village, such life-saving device or net shall be approved by the State inspector of workshops and factories. Such life-saving device or net shall be kept on the first floor at or near the entrance of the building.

Sec. 4660. *Enforcement.*—The mayor of each municipality shall require the owner or agent of the owner of such factory, workshop, tenement house, or inn or public house, within the meaning of the preceding two sections to comply with the requirements of such section within sixty days from the serving of a notice by the mayor so to do, unless such owner or agent for owner shall have previously complied with the requirements of such sections. Whoever being such owner or agent of owner fails to comply with the requirements of the preceding three sections within the time specified in such notice shall forfeit not less than fifty nor more than three hundred dollars for each month he so fails, to be recovered in the name of and for the use of such municipality in an action in the police court or other competent tribunal. Such owner or agent for owner may also be held for civil damages to the party injured.

Sec. 4661. *Inspections.*—The mayor of each municipality, personally, or by the marshal or chief of police thereof, or other proper person whom the mayor appoints acting under his direction, as inspector of fire escapes shall carefully examine such factories, workshops, tenement houses, inns or public houses once in each year, and report all violations of the preceding five sections to the council thereof, and thereupon proceedings shall be commenced against the person so offending. The mayor, marshal, or chief of police, or persons so appointed by the mayor to act as inspector of fire escapes, shall be entitled to receive for such notices and examination, such fees as the council may by ordinance provide.

Protection of employees as voters

Section 5175-26a (added 1917, p. 601). *Employers not to interfere.*—It shall be unlawful for any employer of labor to make, adopt or enforce any rule, regulation, or policy forbidding or preventing his employees, or any of them, from engaging or participating in politics or from becoming candidates or a candidate for public office, or controlling or directing, or tending to control or direct the political activities or affiliations of such employees or any of them; or to coerce or influence or attempt to coerce or influence such employees or any of them through or by means of threat of discharge or loss of employment to adopt or follow or refrain from adopting or following any particular course or line of political action or political activity.

Sec. 5175-26b. *Violations.*—Any employer violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not to exceed $1,000. In all prosecutions hereunder the person, firm, or corporation violating this act shall be held responsible for the acts of his or its managers, officers, agents and employees.

Sec. 5175-26c. *Damages.*—Nothing herein contained shall be construed to prevent the injured employee from recovering damages from his employer for injury suffered through a violation of this act.

Hours of labor—General employment

Section 6241. *Eight hours a day's work.*—A day's work in a mechanical, manufacturing or mining business shall consist of eight hours and be so enforced unless the contract therefor expressly provides otherwise.

Liability of employers for injuries to employees

(As amended 1910, p. 195)

SECTION 6242. *Who are fellow servants.*—In all actions brought to recover from an employer for personal injuries suffered by his employee or for death resulting to such employee from such personal injuries, while in the employ of such employer, arising from the negligence of such employer or any of such employer's officers, agents, or employees, it shall be held in addition to the liability now existing by law that any person in the employ of such employer, in any way having power or authority in directing or controlling any other employee of such employer, is not the fellow servant, but superior to such other employee; any person in the employ of such employer in any way having charge or control of employees in any separate branch or department, shall be held to be the superior and not fellow servant of all employees in any other branch or department in which they are employed; any person in the employ of such employer whose duty it is to repair or inspect the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer or to receive, give or transmit any signal, instruction, or warning to or for such employees shall be held to be the superior and not fellow servant to such other employees of such employer.

SEC. 6243. *Notice of defect.*—If the employee of any such employer shall receive any personal injury by reason of any defect or unsafe condition in any ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer, such employer shall be deemed to have had knowledge of such defect, before and at the time such injury was so sustained, and when the fact of such defect shall be made to appear upon trial of an action brought by such employee or his personal or legal representatives, against any such employer for damages, on account of such injuries so received, the same shall be prima facie evidence of neglect on the part of such employer; but the employer may show by way of defense that such defect was not discoverable in the exercise of ordinary care.

SEC. 6244. *Injuries due to defects.*—In all such actions the negligence of a fellow servant of the employee shall not be a defense where the injury or death was in any way caused or contributed to by any of the following causes, to wit: Any defect or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business of the employer; the negligence of any person engaged as superintendent, manager, foreman, inspector, repairman, signalman, or any person in any way having charge, care or control of such ways, works, boats, wharves, plant, machinery, appliances or tools; the negligence of any person in charge of or directing the particular work in which the employee was engaged at the time of the injury or death; the negligence of any person to whose orders the employee was bound to conform, and by reason of his having conformed thereto the injuries or death resulted; the negligent act of any fellow servant done in obedience to the immediate or peremptory instructions or orders given by the employer, or any person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations for the government of such employees and the operation and maintenance of such ways, works, boats, wharves, plant, machinery, appliances or tools.

SEC. 6245. *Assumption of risk.*—In any such action when it shall appear that the injury or death was caused in whole or in part by any of the following, to wit: The neglect of such employer in failing to properly furnish, maintain, construct, guard, repair, inspect, or protect any of the ways, works, boats, wharves, plant, machinery, appliances or tools, in any way connected with or in any way used in the business of the employer, in any manner required by statute or law of the State or United States; any defective or unsafe condition in the ways, works, boats, wharves, plant, machinery, appliances or tools, except simple tools, in any way connected with or in any way used in the business, of the employer, the fact that such employee continued in said employment with knowledge of such negligent omission or want of care or such defective or unsafe condition shall not be a defense unless by the terms of his employment it was expressly made the duty of such employee to report such neglect or such defective or unsafe condition to the employer and the

evidence discloses that such employee failed so to report, and that the employer was not otherwise possessed of knowledge of such negligent, unsafe or defective condition. Such employee shall not be held to have assumed the risk of the negligent act of any fellow servant or employee of such employer, done in obedience to the immediate or peremptory instructions or orders given by the employer, or any other person who has authority to direct the doing of said act; the want of necessary and sufficient rules and regulations or the lack of enforcement of same, for the government of such employees in the construction, operation and maintenance of such ways, works, boats, wharves, machinery, plant, appliances or tools, or the employing or retention of any incompetent servant.

SEC. 6245-1. *Contributory negligence to be measured.*—In all such actions hereafter brought, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence is slight and the negligence of the employer is gross in comparison. But the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held in any degree to have been guilty of contributory negligence in any case where the violation of such employer of any statute or law of the State, or United States enacted for the safety of employees in any way contributed to the injury or death of such employee unless by the terms of his employment it was expressly made the duty of such employee to report such volation [violation] to the employer and the evidence shows that such employee failed so to report and that the employer was not possessed of knowledge of such violation. All questions of negligence, contributory negligence, and assumption of risk, shall be for the jury, under the instruction of the court.

SEC. 6245-2. *Children unlawfully employed.*—In all such actions where a minor employee has been employed or retained in employment contrary to any statute or law of the State or United States, such employee shall not be deemed or held to have been guilty of contributory negligence, nor to have assumed any of the risks of such employment; but the employer may show by way of defense any fraud or misrepresentation made by such employee.

SEC. 6245-3. *Waivers.*—In all such actions any contract, rule, regulation or device whatsoever, the purpose or intent of which shall be to enable any employer to exempt himself or itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any employer under or by virtue of any other provisions of this act, such employer may set off therein, any sum he or it has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

Employment of women and children

SECTION 6246. *Power of inspectors.*—A child working in or in connection with a factory, workshop, business office, telephone or telegraph office, restaurant, bakery, hotel, apartment house, mercantile or other establishment, or in the distribution or transmission of merchandise or messages, who appears to the inspector of workshops and factories to be under the legal age or refuses to give to such inspector his or her name, age, and place of residence, shall be forthwith conducted by such inspector to the office of the judge of the juvenile or probate court for examination. If such inspector is in doubt as to the physical fitness of a boy under sixteen years of age or a girl under eighteen years of age found working in or in connection with any of such establishments or in the distribution or transmission of merchandise or messages, he shall require a certificate signed by a medical officer of the board of health certifying that such child is of sound health and physically able to perform the work or service such child is required to do. Such certificate shall be signed by the child in whose name it is issued in the presence of the officer issuing it, and such examination shall be made and certificate issued without expense to said child.

SEC. 6247. *Female visitors.*—The chief inspector of workshops and factories, with the approval of the governor, shall designate eight female visitors and make such rules and regulations for their direction and guidance as shall secure uniformity of action and proceedings throughout the State. Such visitors shall receive like compensation as the district inspectors of workshops and factories,

payable in a like manner. The necessary traveling expenses incurred by such visitors shall be paid in a like manner and subject to like limitations as is provided by law for such district inspectors.

SEC. 6248. *Duties of visitors.*—Such visitors, as provided in the next preceding section, shall visit all shops and factories in their respective districts in which women or children are employed, including mercantile establishments, as often as possible, to see that the provisions and requirements of the laws relating to the employment of women and children are strictly observed and carried out. They shall carefully inspect the sanitary condition of and examine the system of sewage in connection with such shops, factories, and establishments, the situations and conditions of water-closets or urinals in and about such shops, factories, and establishments for the use of women or children, and also the system of heating, lighting, and ventilating all rooms therein and the means of exit therefrom in case of fire or other disaster; and also all belting, shafting, gearing, elevators, drums, and machinery in and about such shops, factories, and establishments, and see that they are not located so as to be dangerous to such women or children when engaged in their ordinary duties and, as far as practicable, are securely guarded and that every vat, pan, or structure filled with molten metal or hot liquid is surrounded with proper safeguards for preventing accident or injury to women or children employed therein; and that such shops, factories, and establishments are in proper sanitary condition and adequately provided with means of escape in case of fire or other disaster.

SEC. 6249. *Same subject.*—Such visitors may enter all shops, factories, and mercantile establishments, including public institutions of the State which have shops and factories or either, at any reasonable time for the purpose of making the inspection provided in the next preceding section. If they find upon such inspection that any of the provisions of law relating to buildings, factories, or the employment of women or children are being violated or that the heating, lighting, ventilating, or sanitary arrangements for women and children of a shop, factory, or mercantile establishment are such as to be injurious to the health of such women or children employed or residing therein, they shall notify the chief inspector of workshops and factories, who may notify the owner, proprietor, or agent of such shop, factory, or mercantile establishment, as provided by law, and may proceed to prosecute such violation of law.

Occupational diseases—Sanitation of factories, etc.

(Added 1913, p. 819)

SECTION 6330-1 (as amended 1921, p. 181). *Preventive methods.*—Every employer shall, without cost to the employees, provide reasonably effective devices, means, and methods to prevent the contraction by his employees of illness or disease incident to the work or process in which such employees are engaged.

SEC. 6330-2. *Dangerous processes.*—Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arseuate of lead, lead chromate, lead sulphate, lead nitrate or fluosilicate, is hereby declared to be especially dangerous to the health of the employees, who, while engaged in such work or process, are exposed to lead dusts, lead fumes, or lead solutions.

SEC. 6330-3. *Safety appliances.*—Every employer shall, without cost to the employees, provide the following devices, means, and methods for the protection of his employees who, while engaged in any work or process included in section 2, are exposed to lead dusts, lead fumes or lead solutions:

(a) *Lighting, ventilation, etc.*—The employer shall provide and maintain workrooms adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air, and all such rooms shall be fully ventilated and separated by partition walls from all departments in which the work or process is of a noudusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in section 2, including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding, and packing of all lead salts or other compounds referred to in section 2, shall be so conducted and such adequate devices provided and maintained by the employer as to protect the employee, as far as possible, from contact with lead dust or lead fumes. Every kettle, vessel, receptacle, or furnace in which lead in any form

referred to in section 2 is being melted or treated, and any place where the contents of such kettles, receptacles, or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers in which dry lead, in any chemical form or combination referred to in section 2, is being conveyed from one place to another within the factory shall be equipped, at the places where the same are filled or discharged with hoods having connection with an efficient air exhaust; and all hoppers, chutes, conveyors, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry pans, or other apparatus for drying pulp lead, dry-pans dump, and all barrel packers and cars or other receptacles into which corrosions are at the time being emptied shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump, or other apparatus, either through a cloth dust collector having an area of not less than one-half square foot of cloth to every cubic foot of air passing through it per minute, the dust collector to be placed in a separate room which no employee shall be required or allowed to enter, except for essential repairs, while the works are in operation; or such other apparatus as will efficiently remove the lead dusts from the air before it is discharged into the outer air.

(b) *Wash rooms.*—[Employer to provide suitable wash rooms, fully equipped with lavatory basins and shower baths. Employer to keep a record of baths taken, record to be open to inspection of State board of health.]

(c) *Dressing rooms.*—The employer shall provide a dressing room or rooms which shall be separate from the workrooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee and be kept clean.

(d) *Separate rooms for meals.*—The employer shall provide an eating room or eating rooms which shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take or be allowed to take any food or drink of any kind into any workroom, nor shall any employee remain or be allowed to remain in any workroom during the time allowed for his meals.

(e) *Drinking fountains.*—The employer shall provide and maintain a sufficient number of sanitary drinking fountains readily accessible for the use of the employees.

(f) *Clothing.*—The employer shall provide at least two pairs of overalls and two jumpers for each employee, and repair or renew such clothing when necessary, and wash the same weekly. Such clothing shall be kept exclusively for the use of that employee.

(g) *Respirators.*—The employer shall provide, and renew when necessary, at least two reasonably effective respirators for each employee who is engaged in any work or process which produces lead dusts.

SEC. 6330–4. *Duties of employees.*—Every employee who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes, or lead solutions, shall:

(a) Use the washing facilities provided by the employer in accord with section 3 (b) and wash himself at least as often as a time allowance is therein granted for such use.

(b) Use the eating room provided by the employer in accord with section 3 (d), unless the employee goes off the premises for his meals.

(c) Put on and wear at all times while engaged in accord with section 3 (f) and remove the same before leaving at the close of the day's work; and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section 3 (c).

(d) Keep clean the respirators provided by the employer in accord with section 3 (g), and use one at all time [times] while he is engaged in any work or process which produces lead dusts.

SEC. 6330–5. *Instructions to be posted.*—The employer shall post in a conspicuous place in every workroom where any work or process included in section 2 is carried on, room where washing facilities are provided, dressing rooms, and eating room. A notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The (chief State factory inspector) shall prepare a notice containing the provision[s] of this act, and shall furnish, free of cost, a reasonable number of copies thereof to every employer included in section 2, and the employer shall post copies thereof in the manner hereinabove stated. The notices required

in this section shall be printed in plain type on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer when the said employee enters employment in such work or process, and in addition shall be read to all employees at least once a month, interpreters being provided by the employer when necessary to carry out the above requirements.

SEC. 6330–6. *Medical examinations.*—The employer shall cause every employee who, while engaged in any work or process included in section 2, is exposed to lead dusts, lead fumes or lead solutions, to be examined at least once a month for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination and to examination at such other times and places as he may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor, at the employer's expense, being made to each employee so examined.

SEC. 6330–7. *Records and reports.*—Every physician making any examination under section 6 and finding what he believes to be symptoms of lead poisoning shall enter, in a book to be kept for that purpose in the office of the employer, a record of such examination containing the names [name] and address of the employee so examined, the particular work or process in which he is engaged, the date, place and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the (State department of factory inspection) and by the (State board of health).

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof in duplicate, one copy to the (State department of factory inspection) and one to the (State board of health). The report shall be open or in conformity with blanks to be prepared and furnished by the (State board of health), free of cost, to every employer included in section 2, and shall state:

(a) Name, occupation and address of employee.

(b) Name, business and address of employer.

(c) Nature and probable extent of disease.

(d) Such other information as may be reasonably required by the (State board of health).

The examining physician shall also, within the said forty-eight hours, report such examination and finding to the employer, and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes or lead solutions, nor return the said employee to such work or process without a written permit from a licensed physician.

SEC. 6330–8. *Enforcement.*—The (State department of factory inspection) shall enforce this act and prosecute all violations of the same. The officers, or their agents, of the said (department) shall be allowed at all reasonable times to inspect any place of employment included in this act.

SEC. 6330–9. *Violations.*—[Violations of sections 1 or 3 are punishable by fines, $100 to $200 for first offense; $200 to $500 for the second offense; and $300 to $1,000 for each subsequent offense. Penalties for violation of section 4 are $10 to $25 for first offense; $20 to $50 for the second offense; and $30 to $100 for each subsequent offense; of sections 5, 6, or 7, $10 to $100.]

SEC. 6330–10. *Definition.*—In this act, unless the context otherwise requires, "employer" includes persons, partnerships, and corporations.

Accident prevention—Instruction of children

(Added 1913, p. 134)

SECTIONS 7724–1, 7724–2. *Duty of teachers.*—[All teachers in the public schools must give instruction on accident prevention for 30 minutes each month. A manual is to be prepared by the State superintendent of public instruction for the purpose.]

Employment of children—General provisions

(As amended 1921, p. 376)

SECTION 7765. *Certificates required.*—[Minors of compulsory school age (6 to 18) may not be employed without an age and schooling certificate, to be kept on file at the place of employment. Such certificate is conclusive evidence of age and of the employer's right to employ the minor in permitted occupations. Notice to the school authorities that a child has left a position renders the certificate void.]

SEC. 7765–1. *Employment by parents.*—[A parent or guardian employing a child of compulsory school age must procure and keep on file a certificate, but need not procure a vacation permit for employment by him personally.]

SEC. 7765–2. *Irregular service.*—[Certificates are not required for irregular service in nonprohibited employments. Irregular service means service not involving confinement or continuous physical strain, in which there are periods of rest or recreation, and does not exceed 4 hours per day or 24 hours per week. Classification is determined by the health commissioner of the district.]

SEC. 7766. *Issue of certificates.*—[Age and schooling certificates are issued by the local school authorities on a showing of age (over 16), of completion of the seventh grade of school, and that the employment contemplated is not unlawful.]

SEC. 7766–1. *Conditions.*—[Certificates issue on written pledge of the employer to legally employ the child and to retain the certificate or give notice of nonuse at close of employment, presentation of school record, evidence of age, and medical certificate of fitness for work. This last may be limited to a specific employment, where a child lacks standard ability.]

SECS. 7766–2 to 7766–5. *Same.*—[Reissue of certificates requires only the employer's pledge and the medical certificate. An examiner may be appointed to test the educational attainments of applicants. Children whose mental development is below normal may be granted "retarded" certificates. Records must be kept of all facts contained in the certificates issued, also of certificates refused.]

SEC. 7766–6. *Vacation certificates.*—[Certificates for vacation employment of children 14 to 18 years of age may be issued without regard to educational attainments.]

SEC. 7766–7. *Records.*—[School authorities must supply the school records desired by any child within two days after application.]

SEC. 7766–8. *Conditional certificates.*—[Children of 16 who are mentally capable, but are not able to pass the educational test, may be granted conditional certificates on a showing of prescribed facts and on condition of a promise to attend part time or evening classes or both.]

SEC. 7766–9. *Special certificates.*—[Children over 14 may be granted special certificates permitting employment outside of school hours, or on alternate days, weeks, or periods, where part-time schools are provided. School and work hours combined may not exceed 9 per day.]

SECS. 7767 to 7767–2. *Part-time attendance.*—[All children holding certificates must attend part-time schools, if provided, until the age of compulsory school attendance is reached.]

SEC. 7770. *Enforcement.*—[Attendance officers may enter places of employment of children for the purpose of enforcing the law as to school attendance and employment.]

SEC. 7770–1. *Over-age certificates.*—[Any person over 18 who believes that he is likely to be taken for less than 18 may obtain from the superintendent of schools an over-age certificate. Holders of age and schooling certificates who reach the age of 18 may retain such certificates as proof of age.]

SEC. 7771. *Enforcement.*—[Attendance officers must institute proceedings against violators of the law as to school attendance and the employment of children and are to cooperate with the industrial commission of the State in enforcement work.]

SEC. 7777. *Indigent children.*—[Children found unable to attend school by reason of the necessity of their work for the support of themselves or others may receive public assistance for themselves and dependents to enable school attendance, and shall not for such aid be classed as paupers.]

Railroads—Wires crossing tracks

SECTIONS 8975, 8976. *Height, etc.*—[Telegraph and other wires crossing railroad tracks must be hung upon poles at least 12 inches in diameter at bottom and 6 at top, set in the earth one-sixth of their length, and braced if there is side strain. Wires must be well insulated, securely fastened, and at least 25 feet above tracks. Trolley wires may be of an agreed height, approved by the railroad commission, which is also charged with enforcing the law.]

Street, etc., railways—Seats for employees

(Added 1917, p. 590)

SECTION 9007–1. *Seats to be provided.*—It shall be unlawful to operate in Ohio any electric, street, or interurban railroad car unless it be provided at all times during operation with seats for the motorman and conductor.

SECS. 9007–2, 9007–3. *Violations; enforcement.*—[Penalties for violation of the foregoing section are fines, $50 to $100, or imprisonment ten to thirty days, each day each car is used being an offense. County prosecuting attorneys must prosecute violations.]

Railroads—Safety appliances

SECTION 9009 (as amended 1910, p. 325). *Sufficient blocking required.*—Every railroad corporation operating a railroad or part of a railroad within this State shall adjust, fill, or block all angles in frogs, switches, and crossings on its road and in its yards, divisional and terminal stations where trains are made up with sheet steel, wrought or malleable iron, or other metallic appliances, which shall be so placed and be of such design as will prevent the wedging of the feet of employees and other persons in such angles; and all such appliances or devices shall before installations be approved by the State railroad commission.

SEC. 9009–1. *Violations.*—[Violation is punishable by a fine of $25 for each day of such violation.]

Liability of railroad companies for injuries to employees—Relief funds

SECTION 9010. *Waivers forbidden.*—No company created, under and by virtue of the laws of this State or of any other State or country, having and operating a line of railway in this State, shall establish, maintain, or assist in establishing or maintaining a relief association or society, the rules or by-laws of which require of a person or employee becoming a member thereof to enter into an agreement or stipulation, directly or indirectly, whereby he stipulates or agrees to surrender or waive a right of damages against any railroad company for personal injuries or death, or to surrender or waive, in case he asserts such claim for damages, any right whatever.

SEC. 9011. *Rules, etc., operating as waivers.*—No railroad corporation or company owning and operating or operating a railroad shall adopt or promulgate a rule or regulation for the government of its servants or employees, or make or enter into an agreement with a person engaged in or about to engage in its service, wherein such employee in any manner promises or agrees to hold such corporation or company harmless on account of an injury he may receive by reason of accident to, breakage, defect, or insufficiency in the cars or machinery and attachments thereto belonging on cars owned, operated, or run by such corporation or company being defective.

SEC. 9012. *Membership in association not to be compulsory.*—No corporation directly or indirectly shall compel or require an employee to join any company or association whatsoever, or withhold any part of an employee's wages or his salary for the payment of dues or assessments in any society or organization or demand or require either as a condition precedent to securing employment or being employed. Such railroad company shall not discharge an employee because he refuses or neglects to become a member of any society or organization. If an employee is discharged at any time within ten days after receiving a notice thereof, he may demand the reason of such discharge, and the railroad company thereupon must give the reason to him in writing.

SEC. 9013. *Waivers not to be demanded by society.*—No railroad company insurance society or association, or other person shall demand, accept, or enter into an agreement or stipulation with a person about to enter, or in the employ of a railroad company whereby he stipulates or agrees to surrender or waive any right to damages against a railroad company, thereafter arising for personal injury or death, or whereby he agrees to surrender or waive in case he asserts such right, any other right.

SEC. 9014. *Agreements void.*—All rules, regulations, stipulations and agreements, declared unlawful by the next three preceding sections, are void. A corporation, association or person violating, or aiding or abetting the violation of either of such sections, for each offense shall forfeit and pay to the person thus wronged or deprived of his rights thereunder, not less than fifty nor over five hundred dollars, to be recovered by a civil action.

SEC. 9015. *Operation of defective apparatus.*—No railroad corporation knowingly or negligently shall use or operate a car or locomotive that is defective, or upon which the machinery or attachments thereto belonging are in any manner defective. If an employee of such corporation receives injury by reason of a defect in a car or locomotive, or the machinery or attachments thereto belonging, owned and operated, or being operated by such corporation, it shall be deemed to have had knowledge of such defect before and at the time such injury is so sustained. When such defect is made to appear in the trial of any action brought by such employee, or his legal representative, against a railroad corporation for damages on account of injuries so received, that fact shall be prima facie evidence of negligence on the part of such corporation.

SEC. 9016. *Fellow servants defined.*—In actions against a railroad company for personal injury to a person while in its employ, or for death resulting from such injury, arising from the negligence of such company, or any of its officers or employees, in addition to other liability, it shall be held that every person in the employ of such company, with actual power or authority to direct or control another employee thereof is not the fellow servant, but superior of such other employee. Every person, also, in the employ of such company who has charge or control of employees in a separate branch or department, is to be held to be the superior and not fellow servant of employees in another branch or department, who have no power to direct or control in the branch or department in which they are employed.

SEC. 9017. *Company's liability.*—Every railroad company operating a railroad which in whole or part is within this State shall be liable for all damages sustained by any of its employees by reason of personal injury or death of such employee:

1. *Defects.*—When such injury or death is caused by a defect in any locomotive, engine, car, hand car, rail, track, machinery or appliance required by such company to be used by its employees in and about the business of their employment, if such defect could have been discovered by reasonable and proper care, tests or inspection. Proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company. An employee of such railroad company who is injured or killed as a result of such a defect, shall not be deemed to have assumed the risk occasioned thereby, although continuing in the employment of the company after knowledge of the defect; nor shall continuance in employment after such knowledge by an employee be deemed an act of contributory negligence.

2. *Negligence of other employees.*—While such employee is engaged in operating, running, riding upon or switching passenger, freight or other trains, engines or cars, and in the performance of his duties, and when such injury was caused by the carelessness or negligence of any other employee, officer or agent of such company, in the discharge of or for failure to discharge his duties as such.

SEC. 9018. *Contributory negligence to be measured.*—In all actions hereafter brought against a railroad company operating a railroad in whole or part within this State, for personal injury to an employee or where such injuries have resulted in his death, the fact that he was guilty of contributory negligence shall not bar a recovery when such negligence was slight and that of the employer greater in comparison. But the damages must be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury.

Street, etc., railways—Safety appliances

SECTION 9149–1 (as amended 1921, p. 142). *Power brakes.*—From and after January 1, 1924, it shall be unlawful in the State of Ohio for any corporation, company, person or persons owning or controlling the same, to operate, use, or run or permit to be run, used, or operated for carrying passengers or freight on an urban or interurban railroad or street car line any car propelled by electricity or any car, cars, or train of cars drawn by any car or cars propelled by electricity not equipped, in addition to the hand brake in use on such car, cars, or train of cars, with an air or electric power brake so that the same can be operated and controlled by the motorman in charge of and operating such car, cars, or train of cars.

It shall be the duty of the Public Utilities Commission of Ohio to enforce this act.

Liability of employers for injury to employees—Insurance

(Added 1910, p. 192)

SECTION 9510–1. *Rights subrogated.*—An employee who has heretofore recovered or shall hereafter recover against his employer for injuries sustained while in the employ of his employer and because of negligence of the employer, or negligence for which he or it is liable, shall be subrogated to all the rights of the employer under any contract or policy of insurance against loss or damage resulting to said employer from injury or death of an employee while in the service of such employer, whether said person, copartnership, or corporation contracting or issuing such policy of insurance has been made a party to the action for damages sustained or not.

NOTE.—The provisions of this section become a part of every contract of insurance as fully as if written therein. Verducci *v.* Casualty Co. (1917), 117 N. E. 235.

SEC. 9510–2. *Fatal cases.*—In case of the death of any employee by reason of the wrongful or negligent acts of his employer, or negligence or wrongful acts for which he is liable, then the personal representative or representatives of the deceased employee shall have all the rights and remedies that the employee would have had hereunder had death not resulted.

Exemption of wages from attachment

SECTION 10253. *Amount.*—[Personal earnings for 3 months preceding action are exempt from attachment unless the defendant is not the head or support of a family or the earnings exceed $150, and then only as to the excess over that amount; if the claim is for necessaries, ten per cent of the earnings may be attached.]

Suits for wages

SECTION 10403. *Stay of judgment.*—[No stay of execution is allowed where a judgment is for wages owed for manual labor.]

SEC. 10714. *Preference in administration.*—[Wage debts rank next after expenses of funeral, last sickness and administration, allowance to widow and children, debts preferred under laws of the United States, and public rates and taxes and sums due the State for duties on sales at auction. The preference extends to wages not exceeding $150 earned in the 12 months preceding the employee's death.]

SEC. 11725. *Exemption in execution.*—[Heads of families and widows may hold exempt from execution or similar process personal earnings of themselves and minor children for 3 months, if it appears that the same are required for the support of the family. If the debt is for necessaries, 90 per cent is exempt.]

SEC. 11761. *Suits for railroad laborers' wages.*—[Where a judgment for wages due railroad laborers has been obtained the clerk of the court having jurisdiction may, on due process, issue a writ directing debtors of the railroad company to turn over to the officer holding the judgment money or other property of such company in their possession in an amount sufficient to pay such judgment and costs.]

SEC. 11781. [This section is in effect the same as sec. 11725, above.]

SEC. 11819. *Attachment.*—[An attachment of the defendant's property may be had on a showing in a civil suit that the action is to recover a debt due for work or labor.]

Railroad employees—Color blindness—Illiteracy

SECTION 12548. *Color blindness.*—Whoever, being a railroad company, contracts to employ a person in a position which requires him to distinguish form or color signals, unless within two years next preceding such date he has been examined for color blindness in the distinct colors in actual use by such company by a competent person employed and paid by it and has received a certificate that he is not disqualified for such position by color blindness in the colors used by it or fails to require such person to be re-examined at least once each two years at the expense of such company, shall be fined one hundred dollars. This section shall not prevent a railroad company from continuing in its employment an employee having defective sight when such defective sight can be fully remedied by the use of glasses or by other means satisfactory to the person making such examination.

SEC. 12551. *Inability to read, etc.*—Whoever, owning, operating or controlling a railroad, employs as a flagman, hostler or assistant hostler, a person who can not read, write and speak the English language, shall be fined not less than five hundred dollars nor more than one thousand dollars. This section shall not apply to flagmen at street or highway crossings.

Railroads—Safe clearance along roadway

SECTION 12552. *Mail cranes, etc.*—Whoever, owning, operating or controlling a railroad, erects or permits to be erected, places or maintains along the line of said railroad, a mail crane or livestock chute any portion of which approaches nearer than eighteen inches to the nearest point of contact with the cab of the widest locomotive used on such railroad, shall be fined not less than five hundred dollars nor more than one thousand dollars.

Railroads—Interference with operation

(Added 1921, p. 143)

SECTION 12560–1. *Tampering with brakes, etc.*—It shall be unlawful for any person to injure, destroy, or interfere in any manner with the proper and efficient operation of any brake, air brake, coupler, grab iron, handhold, drawbar or any other safety device used on any common carrier or to steal, remove, injure, destroy, or otherwise interfere with any part of any engine, car or safety device used by any common carrier, in such manner as to cause danger to life and property in the operation of such engine, car, or device.

SEC. 12560–2. *Signaling device.*—It shall be unlawful for any person to injure or destroy any signal wire, light, telephone, telegraph or other device for signaling in use by any common carrier or any other apparatus connected with the same or to tamper with the same in any manner, and it shall be unlawful for any person in charge of or operating any such signaling device to give any signals with any such device with intent to bring any railway employee, engine, or train into danger.

SEC. 12560–3. *Violation.*—[Violation of this act or permitting any violation is punishable by fine, $50 to $500; imprisonment, 30 to 90 days, may be added.]

Mine regulations

SECTIONS 12563, 12564. *Inexperienced miners.*—[Miners working alone in coal mines generating fire damp, gas or combustible matter without producing satisfactory evidence of at least one year's practical experience must be fined not less than $25 nor more than $200. Mine bosses are subject to a similar penalty if they employ a miner not duly qualified, unless accompanied by a competent coal miner.]

Protection of employees on buildings

SECTION 12576. *Neglect to place counterfloors.*—Whoever, being the owner, lessee, agent, factor, architect or contractor engaged in and having supervision or charge of the building, erection or construction of a block, building or structure, neglects or refuses to place or have placed upon the joists of each story thereof, as soon as joists are in position, counterfloor of such quality and

strength as to render perfectly safe the going to and from thereon of all mechanics, laborers and other persons engaged upon the work of construction, supervision or in placing materials therefor, shall be fined not less than twenty-five dollars nor more than two hundred dollars.

SEC. 12577 (as amended 1911, p. 450). *Continued refusal.*—Each day that such person neglects or refuses to have such counterfloors so placed, after notice given by a building inspector, a chief inspector or deputy inspector of the city building inspection departments in cities where such department is organized, or by the chief inspector or deputy inspector of workshops and factories of the State, in cities where such departments are not organized, or from a person whose life or personal safety may be endangered by such neglects or refusal, shall be a separate offense.

SEC. 12593 (as amended 1911, p. 114). *Scaffolding, etc.*—Whoever, employing or directing another to do or perform labor in erecting, repairing, altering or painting a house, building or other structure, knowingly or negligently furnishes, erects or causes to be furnished for erection for and in the performance of said labor unsuitable or improper scaffolding, hoists, stays, ladders or other mechanical contrivances which will not give proper protection to the life and limb of a person so employed or engaged, shall be fined not more than five hundred dollars or imprisoned not more than three months, or both.

SEC. 12594. *Safety rails.*—If such scaffolding or staging as described in the next preceding section, swung or suspended from an overhead support or supports, is more than twenty feet from the ground floor it shall not be deemed to give proper protection to the life and limb of persons employed or engaged thereon unless, when in use, it has a safety rail rising at least thirty-four inches above the floor or main portion extending along the outside thereof, and properly attached thereto, and is provided with braces strong enough to sustain the weight of a man's body against it and to prevent such scaffolding or staging from swaying from the building or structure.

Protection of employees on street railways

SECTION 12788 (as amended 1919, p. 161). *Screen; warmth.*—[Electric cars other than trail cars must be equipped with a screen of glass or other material so as to protect motormen, etc., from dust, wind and storm from November of each year to April 15 next succeeding. A temperature of not less than 60° Fahrenheit must be maintained within the space behind such screen. Violation entails a fine of from $25 to $100 for each day of continuance.]

Exemption of wages—Unlawful assignment of claims

SECTIONS 12862, 12863 (both as amended 1911, p. 114). *Assignment or purchase.*—[Anyone selling or assigning a claim against a resident of the State for collection outside the State for the purpose of evading the exemption laws of the State, or anyone purchasing such claim, shall be fined not less than $20 nor more than $50.]

SEC. 12865. *Relief.*—[A person whose personal earnings have been attached in violation of the foregoing section may recover the amount, with costs, in an action against either the assignor or the purchaser.]

Protection of employees as traders—Payment of wages

SECTION 12944. *Coercion in trading.*—Whoever compels, seeks to compel or attempts to coerce an employee of himself or another, to purchase goods or supplies from a particular person, firm, or corporation, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not more than sixty days or both.

SEC. 12945. *Sales of goods by employer.*—Whoever sells goods or supplies to his employee, or pays such employee wages or a part thereof in goods or supplies, directly or through the intervention of scrip, orders or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies, or, without an express contract with his employee, deducts or retains the wages of such employee, or a part thereof, for ware, tools or machinery destroyed or damaged, shall be fined not less than twenty dollars nor more than one hundred dollars or imprisoned not more than sixty days or both.

SEC. 12946. *Double liability.*—A person violating either of the next two preceding sections shall also be liable to the party aggrieved in double the amount of charges made for such ware, tools and machinery, or for the amount received for such goods or supplies in excess of the reasonable or current market value in cash thereof.

SEC. 12946–1 (added 1913, p. 154). *Semimonthly pay day.*—Every individual, firm, company, copartnership, association or corporation doing business in the State of Ohio, who employ five or more regular employees shall on or before the first day of each month pay all their employees engaged in the performance of either manual or clerical labor the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and shall on or before the fifteenth day of each month pay such employees the wages earned by them during the last half of the preceding calendar month: *Provided, however*, That if at any time of payment an employee shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly authorized representative, such person shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where such pay is due: *Provided*, Nothing herein contained shall be construed to interfere with the daily or weekly payment of wages.

SEC. 12946–2 (added 1913, p. 154.) *Waivers forbidden.*—No such corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this act [12946–1 to 12946–2], and no assignments of future wages, payable semimonthly under these provisions shall be valid, but nothing in this act [12946–1 to 12946–2] shall prohibit the assignment by an employee of ten per centum of his personal earnings, earned or unearned, to apply on a debt for necessaries. Whoever violates the provisions of this act [12946–1 to 12946–2] shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

SEC. 12947. *Enforcement.*—The prosecuting attorney, upon complaint made to him of a violation of sections twelve thousand nine hundred and forty-four or twelve thousand nine hundred and forty-five, shall cause such complaint to be investigated before the grand jury.

Protection of employees as voters

SECTION 12951. *Intimidation, etc.*—Whoever uses or threatens to use force, violence or restraint, or inflicts or threatens to inflict injury, damage, harm or loss upon, or threatens to enforce the payment of a debt against, or begins a criminal prosecution against, or injures the business or trade of, or practices intimidation upon or against a person in order to induce or compel such person to vote or refrain from voting, or to vote or refrain from voting for a particular candidate, or, being an employer of laborers or an agent of such employer, does any of such acts or threatens to withhold or reduce the wages of, or to dismiss from service an employee in order to induce or compel such employee to vote or refrain from voting for a particular candidate at an election, or, by duress, constraint or improper influence, or by a fraudulent or improper device or contrivance, impedes, prevents or interferes with the free exercise of the elective franchise by an elector, shall be fined not more than two thousand dollars or imprisoned in the penitentiary not more than three years, or both.

Discharge of railroad employees—Hearings

(Added 1917, p. 603)

SECTION 12956–1. *Hearings to be granted.*—It shall be unlawful for any steam railroad company, its superintendent or manager thereof, employing any special agent, detective, or person commonly known as "spotter" for the purpose of investigating, obtaining and reporting to the employer, its agent, superintendent or manager, information concerning its employees, to discipline or discharge any employee in its service, where such act of discipline or the discharge is based upon a report by such special agent, detective or spotter which report involves a question of integrity, honesty or a breach of rules of the employer, unless such employer, its agent, superintendent or manager, shall, before disciplining or discharging such employee, grant to him a fair

opportunity to be heard in defense or explanation of the complaint against him, at which hearing said employer shall state specific charges on which said act or discharge is based and at which said accused employee shall have the right to furnish testimony in his defense.

SEC. 12956–2. *Violations.*—[Violation entails a fine, $50 to $300, or imprisonment not more than one year, or both; imprisonment to be imposed upon officers committing offense.]

Employment of children

SECTION 12968 (as amended 1913, p. 864). *Acrobatic, etc., occupations.*—[Hiring, employing, letting, or using any child under 14 as a rope walker, singer, beggar, etc., is forbidden. For text of similar law see Code of Delaware, sec. 2223.]

SEC. 12972. *Unhealthful or immoral employments.*—[Willfully causing or permitting a child under 16 to be endangered in life, health, or morals entails a fine of from $10 to $50, or imprisonment not less than 30 nor more than 90 days.]

SEC. 12973. *Enforcement.*—[Enforcement of the foregoing section rests with the State inspector of workshops and factories.]

SECS. 12976–12979 (all as amended 1921, p. 376). *Violations.*—[The employment of a child under 18 without keeping on file the required certificate, or failing to return such certificate within two days after termination of employment, or refusing inspection of employment conditions or of certificates is punishable by a fine of not less than $20 nor more than $50. Violations by officers or agents of corporations and the refusal of certificates by school authorities are similarly punishable. Failure to produce a certificate for inspection is prima facie evidence of illegal employment.]

SEC. 12984 (as amended 1921, p. 376). *Second offenses.*—[For a second conviction for violating the child labor law, unless otherwise provided, the penalty is a fine of from $20 to $200 or imprisonment not over 30 days, or both; and for a third offense, $30 to $500 fine or not over 60 days' imprisonment, or both.]

SEC. 12987 (as amended 1921, p. 376). *False statements as to age.*—[Applicants for employment who falsely state their age for the purpose of evading the laws regulating the employment of minors shall be punished by a fine of from $20 to $50, or imprisonment not over 30 days.]

SEC. 12988 (as amended 1921, p. 376). *Same.*—[If a person falsely swears he is 21 or over, the employer is relieved from the provisions of sec. 6245–2, as to employers' liability.]

SEC. 12989. *Retaining wages.*—Whoever, being a person, officer or agent of a company or corporation doing business in this State, retains or withholds from a minor in his employ the wages or compensation, or a part thereof, agreed to be paid and due such minor for work performed or services rendered, because of presumed negligence or failure to comply with rules, breakage of machinery or alleged incompetence to produce work or perform labor according to any standard of merit, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

SEC. 12990. *Accepting guarantics, etc.*—Whoever, being a person, officer or agent of a company or corporation, receives a guaranty, bonus, money deposit or other form of security to obtain or secure employment for a minor or to insure faithful performance of labor, guarantee strict observance of rules or make good losses which may be charged to such minor's incompetence, negligence or inability, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

SEC. 12991. *Employment without agreement as to wages.*—Whoever, being a person, officer or agent of a company or corporation, gives employment to a minor, without agreeing with him as to the wages or compensation he shall receive for each day, week, month or year, or per piece, for work performed and without furnishing such minor with written evidence of such agreement and, on or before each pay day, with a statement of the earnings due and the amount thereof to be paid to him or changes the wages or compensation of a minor without giving him notice thereof at least twenty-four hours previous to its going into effect, when a written agreement thereof shall be given to such minor as for an original employment, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both.

SEC. 12992. *Enforcement.*—The inspector of workshops and factories shall enforce the provisions of the next three preceding sections.

SEC. 12993 (as amended 1921, p. 376). *Age limit.*—[The employment of a child under 16 is forbidden in mills, factories, workshops, mercantile or mechanical establishments, oil wells or pumping stations, canneries, tenement houses, garment making or millinery establishments, offices, hotels, restaurants, bakeries, barber shops, laundries, garages, places of amusement, bootblack stands, as drivers or chauffeurs, in brick, coal or lumber yards, construction work or in transporting merchandise. No boy under 16 nor female under 21 may deliver messages. Holders of vacation or special certificates are exempt from the above, except as to females delivering messages.]

SEC. 12993–1 (added 1921, p. 376). *Employment during school hours.*—[Employment at any occupation whatever during school hours is forbidden as to children required by law to attend school.]

SEC. 12995 (as amended 1921, p. 376). *Failure to return certificates.*—[If an employer fails to return a certificate or give notice of nonuse on the termination of employment, the child may recover as damages an amount equal to his wages for the period of such failure. Unexplained failure of a child to appear for work is regarded as termination of employment after two days.]

SEC. 12996 (as amended 1919, p. 532). *Work time.*—[No boy under 16 and no girl under 18 may be employed in any occupation named in sec. 12993 more than 8 hours per day or more than 6 days or 48 hours per week, nor between 6 p. m. and 7 a. m. Presence is prima facie evidence of employment. No boy under 18 may work as above more than 10 hours per day or more than 6 days or 54 hours per week, nor between 10 p. m. and 6 a. m. No female under 21 may work as above more than 9 hours per day (except in mercantile establishments, where they may work 10 hours on Saturday), or more than 6 days or 50 hours per week, or between 10 p. m. and 6 a. m.]

SEC. 12996–1 (added 1913, p. 864). *Messengers.*—[Boys under 18 may not act as messengers for telegraph, telephone, or messenger companies between 9 p. m. and 6 a. m.]

SEC. 12997 (as amended 1913, p. 864). *Time for meals for messengers.*—[Minors employed as provided in sec. 12996–1 are entitled to 30 minutes for meals within five hours after beginning work, the time not to be counted as work time.]

SEC. 12998 (as amended 1921, p. 376). *Lists.*—[Two lists of employed children under 18 must be kept, one on file and one posted near the entrance of the establishment. A schedule of work hours of males under 18 and females under 21 must be posted, and work at other times is a violation of the law.]

SEC. 12999 (as amended 1921, p. 376). *Hindering school attendance.*—[An employer hindering the attendance of a child at part-time school when required by law is subject to a fine of from $10 to $50 for a first offense, and for subsequent offenses as provided by sec. 12984.]

SEC. 13000. *Producing certificates.*—[Failure to produce for lawful inspection certificates, or the list provided for by sec. 12998, is prima facie evidence of unlawful employment.]

SECS. 13001–13003 (as amended 1913, p. 864). *Dangerous occupations.*—[The employment of children under 16 in specified dangerous or injurious occupations is forbidden. For similar list see sec. 3145, Delaware Code. The State board of health may, after hearing, determine whether any other trade, process, or occupation is dangerous so as to warrant inclusion in the list. An appeal lies to the common pleas court.]

SEC. 13005 (as amended 1913, p. 864). *Standing.*—[No female under 21 may be so employed as to require constant standing.]

SEC. 13007–1 (as amended 1921, p. 376). *Child apparently under 18.*—[Any enforcement officer may demand a certificate of age of any child apparently under 18, and if none is on file, evidence of age must be furnished.]

SECS. 13007–3, 13007–4 (added 1913, p. 864). *Dangerous occupations.*—[The employment of children under 18 in specified dangerous employments, and hotels, theaters, etc., is forbidden. For a similar list see sec. 3148, Delaware Code. The State board of health may add to this list after hearing, subject to appeal to the court.]

SEC. 13007–7 (as amended 1921, p. 376). *Complaints.*—[It is the duty of enforcement officers to file in the proper court affidavits as to violations, but this does not limit the right of other persons to make and prosecute complaints.]

SEC. 13007–8 (as amended 1921, p. 376). *False statements.*—[Any person making false statements as to the age of a minor for the purpose of procuring employment may be fined $20 to $50, or imprisoned not over 30 days.]

SECS. 13007–9, 13007–10 (both as amended 1921, p. 376). *Violations.*—[Employers who, by themselves or by their foremen, etc., employ minors in violation of the law, and parents or guardians permitting such employment may be fined $10 to $50 for a first offense; and employers continuing unlawful employment after notice may be fined from $5 to $20 for each day's continued employment.]

SEC. 13007–12 (as amended 1919, p. 532). *Hindering inspectors.*—[Any employer or agent thereof who hinders or refuses admission to inspectors, or refuses required information, is subject to a fine of from $25 to $200.]

SEC. 13007–13 (added 1913, p. 864). *False statements.*—[Persons authorized to sign certificates, etc., under this act, knowingly certifying any materially false statement, may be fined $25 to $100.]

SEC. 13007–14 (as amended 1921, p. 376). *Minors refusing information.*—[Minors refusing to give their name, age, and place of residence on proper official demand may be conducted by the officer so refused to the juvenile court, or other competent court, to be dealt with according to law.]

Labor organizations—Unauthorized use of badges

SEC. 13163. *Unlawful use an offense.*—Whoever, not being entitled so to do under the rules and regulations thereof, willfully wears the badge or button of * * * a labor organization, * * * or uses or wears it to obtain aid or assistance thereby, shall be fined not more than $20 or imprisoned not more than 30 days, or both.

OKLAHOMA

CONSTITUTION

ARTICLE VI.—*Department of labor—Mine inspector—Arbitration of labor disputes*

SECTION 1. *State officials.*—The executive authority of the State shall be vested in a * * *, chief mine inspector, commissioner of labor, * * *, each of whom shall keep his office and public records, books, and papers at the seat of government, and shall perform such duties as may be designated in this constitution or prescribed by law.

SEC. 20. *Department of labor.*—A department of labor is hereby created to be under the control of a commissioner of labor who shall be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

SEC. 21. *Board of arbitration and conciliation.*—The legislature shall create a board of arbitration and conciliation in the department of labor and the commissioner of labor shall be ex officio chairman.

SEC. 25. *Inspector of mines, etc.*—The office of chief inspector of mines, oil, and gas is hereby created, and the incumbent of said office shall be known as the chief mine inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the legislature. The chief mine inspector shall perform the duties, take the oath, and execute the bond prescribed by the legislature.

SEC. 26. *Mining districts.*—The legislature shall create mining districts and provide for the appointment or election of assistant inspectors therein, who shall be under the general control of the chief mine inspector, and the legislature shall define their qualifications and duties and fix their compensation.

ARTICLE IX.—*Liability of employers for injuries to employees*

SECTION 36. *Fellow servant not a defense.*—The common-law doctrine of the fellow servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or interurban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a nonassignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto as if death had been caused by the negligence of the master. And every railroad company and every street railway company or interurban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section for the acts of his or its receivers.

Nothing contained in this section shall restrict the power of the legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.

The provisions of this section affecting designated classes of employment do not conflict with the "equal protection" clause of the fourteenth amendment of the Federal Constitution. The drilling of oil or gas wells is not mining within the meaning of this section. 133 Pac. 216.

ARTICLE IX.—*Arbitration of labor disputes—Corporations*

SECTION 42. *Arbitration compulsory, for whom.*—Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

SEC. 44. *Foreign corporations.*—No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

ARTICLE XXIII.—*Hours of labor—Employment of children—Actions for personal injuries*

SECTION 1. *Hours of labor on public works.*—Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

SEC. 3. *Age limit for children.*—The employment of children, under the age of fifteen years, in any occupation injurious to health or morals or especially hazardous to life or limb is hereby prohibited.

SEC. 4. *Women and children in mines.*—Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines in the State.

SEC. 5. *Laws to be passed.*—The legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

SEC. 6. *Employers' defenses.*—The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

SEC. 8. *Contracts waiving rights.*—Any provision of a contract, express or implied, made by any person, by which any of the benefits of this constitution is sought to be waived, shall be null and void.

SEC. 9. *Requirements as to notice.*—Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

REVISED LAWS—1910

Bonds of employees—Railroads, etc.

SECTION 871. *Employees to have free choice.*—No common carrier authorized to do business in this State, when requiring of an employee a bond or undertaking of any nature whatever, shall require such employee to have such bond or undertaking executed as surety by any particular person, company, corporation, association, or firm, or by any one or more of any number of such persons, companies, corporations, associations, or firms named by such common carrier; and no such common carrier shall reject any such bond or undertaking for any reason other than the financial insufficiency of such bond or undertaking.

SEC. 872. *Resident sureties.*—[No surety by a nonresident may be required, and corporations acting as sureties must be State corporations, or have resident agents on whom legal process can be had.]

SEC. 873. *Term; cancellation.*—[Surety contracts must have definite terms, and may not be canceled without the consent of all parties, except for a breach of condition, of which notice must be given.]

SEC. 874. *Violations.*—[Violation of these provisions entails a fine of from $100 to $1,000 and imprisonment not less than 30 days nor more than one year. Contracts made in violation thereof are void.]

Interference with employment—Intimidation

SECTION 2396. *Intimidating workingmen.*—Any person who, by any use of force, threats, or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant, or other person employed by another, from continuing or performing his work, or from accepting any new work or employment, or induces such hired person to relinquish his work or employment, or to return any work he has in hand, before it is finished, is guilty of a misdemeanor.

SEC. 2397. *Intimidating employers.*—Any person who, by use of force, threats, or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants, or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor.

Suits for wages—Sending claims outside the State

SECTION 2911. *Sending out claims forbidden.*—[Sending out of the State claims for debt to be collected by attachment, garnishment, etc., when the parties are within the jurisdiction of the courts of the State is a misdemeanor, punishable by a fine not less than $500 nor more than $1,000.]

SEC. 2912. *Assignments to nonresidents.*—[The assignment or transfer of a claim or debt against a citizen of the State to be collected by attachment, etc., or which is attempted to be collected out of the wages or personal earnings of the debtor in courts outside the State, when the parties are within the jurisdiction of the State, is a misdemeanor punishable by a fine of from $500 to $1,000, or imprisonment from 30 days to one year, or both.]

SEC. 2913. *Liability.*—[Persons violating the provisions of this act are liable to the aggrieved party in the amount of the claim and costs, to be recovered in a civil action.]

Protection of employees as voters

SECTION 3139. *Influencing vote.*—Any corporation, whether chartered under the laws of this State, or of a foreign State, and which has been permitted to do business herein, which, through its officials, employees, agents, attorneys, representatives or some other person or in any other manner, directly or indirectly, influences or attempts to influence, by bribe, favor, promise, inducement, threat, intimidation, importuning or beseeching to control the vote of any employee or other person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than five thousand dollars, and the person or persons so acting for such corporation in the violation of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five hundred nor more than one thousand dollars, and imprisoned in the county jail not less than sixty nor more than one hundred and twenty days.

SEC. 3140. *Acts of agents of corporations.*—When any official, agent, attorney or employee of a corporation has been shown to have violated the provisions of sections * * * and 3139 of this article, it shall be presumed that he was acting for such corporation, and the burden shall be upon the accused corporation to show that such official, agent, attorney, or employee was not acting for it or with its sanction.

Exemption of wages from execution

SECTION 3342 (as amended 1915, ch. 188). *Amount.*—[Seventy-five per cent of all current wages or earnings for the last 90 days are exempt in case of attachment, execution, etc., to the head of every family residing in the State.]

To constitute a head of a family requires a condition of dependence on the part of others whom one is under legal or moral obligations to support. An unmarried man supporting a dependent mother and sister is the head of a family within this section. 73 Pac. 291.

SEC. 3345 (as amended 1915, ch. 188). *Persons not heads of families.*—[To persons not heads of families, 75 per cent of current wages or earnings are exempt.]

SEC. 3347. *Suits for wages.*—[Exemptions are not available where the claim is for wages.]

Department of labor—Commissioner

SECTION 3703 (as amended 1911, ch. 128). *Duties of commissioner.*—The duties and scope of the commissioner of labor is to carry into effect all laws in relation to labor, passed by the legislature, in regard to the transportation, mechanical and manufacturing industries of the State; to supervise the work of the different branches of his department, which shall be divided into four bureaus, as follows: Statistics; arbitration and conciliation; free employment and factory inspection. He shall appoint all officers, clerks and employees in the department of labor; to collect, assort and systematize reports of all persons, firms or corporations required to report to the commissioner of labor annually, and present the same to the legislature at the following session thereof, to compile statistical detailed reports relating to the commercial, industrial, educational and sanitary conditions of the people, included in the mining, transportation, transmission, commercial, mechanical and manufacturing industries of the State; he may administer oaths, issue subpoenas for the attendance of witnesses, and take testimony in all matters relating to the proper enforcement of all laws over which he has supervision of [under] this act. He shall also give bond of [with] approved security in the sum of ten thousand dollars ($10,000), the same to be approved by the governor, for the faithful performance of his duties as defined by the laws passed by the legislature.

SEC. 3704 (as amended 1911, ch. 128). *Assistants.*—The commissioner of labor is hereby authorized to appoint an assistant at a salary of fifteen hundred dollars per annum, payable monthly, who shall act as his deputy, if by reason of sickness, absence, or for other cause the commissioner of labor is temporarily unable to perform the duties of his office, and said assistant shall perform the duties of the office of commissioner of labor until such disability ceases and said assistant shall act as secretary to the board of arbitration and conciliation. He is also authorized to appoint one statistical clerk at a salary of fifteen hundred dollars ($1,500) per annum, payable monthly; a deputy State factory inspector, who shall be under his supervision, and whose term of office shall be during the term of the commissioner of labor, unless sooner removed for cause, and who shall receive a salary of fifteen hundred dollars ($1,500) per annum, payable monthly, and one stenographer, at a salary of nine hundred dollars ($900), payable monthly.

Arbitration of labor disputes—Board of arbitration and conciliation

SECTION 3705. *Board to be appointed.*—The governor shall, upon his own motion, appoint two farmers and one employer, and upon recommendation of the commissioner of labor shall appoint one employer and two employees, as hereinafter specified, by and with the advice and consent of the senate, and the six persons so appointed shall constitute and be styled "The State Board of Arbitration and Conciliation" and shall hold office during the term of the governor appointing them. If a vacancy should occur at any time on said board, the governor or the commissioner shall appoint some suitable person to fill such vacancy as in the first instance. Except the farmers, the said appointments shall be made from the employers and employees who shall have been for at least three years preceding said appointment engaged as employer or employee in the mining, transportation, mechanical, or manufacturing industries of the State. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge of the same. The board shall at once organize at the call of the commissioner of labor, who by virtue of his office is chairman, and they shall as soon as possible establish rules and procedure for the government thereof. The assistant commissioner of labor shall be secretary of said board.

SEC. 3706. *Action by board.*—Whenever it shall come to the knowledge of the State board of arbitration and conciliation that a strike or lockout is seriously

threatened in the State, involving an employer and his employees, if he is employing not less than twenty-five persons, it shall become the duty of said board to put itself in communication, as soon as may be possible, with such employers or employees, and endeavor to persuade them to submit the matter in dispute to the said board.

SEC. 3707. *Mayor, etc., to give notice.*—It shall be the duty of the mayor of any city, and the justice of the peace of any municipal township, whenever a strike or lockout, involving more than twenty-five persons, shall be threatened or has actually occurred within or near such city, or in such municipal township, immediately to communicate the fact to the State board of arbitration and conciliation, stating the name or names of the employer or employers, and one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved, and such other information as may be required by the said board. It shall be the duty of the president or the chief executive officer of every labor organization of which he is an officer immediately to communicate the fact of such strike or lockout to said board, with such information as he may possess touching the differences or controversy and the number of employees involved.

SEC. 3708. *Strikes affecting the public.*—Whenever there shall exist a strike or lockout wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience by reason of said strike or lockout, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the State board of arbitration and conciliation in conformity with this article, then said board, after first having made due effort to secure such submission, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpœnas, and when, after the service of such subpœna, the party so subpœnaed fails and refuses to appear before said board, the said trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the commissioner of labor to be secured by said officer: *Provided*, That such statistical and sociological data as the commissioner of labor may require, shall be held in confidence by said office and so published as not to reveal the identity of anyone: *And provided further*, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

SEC. 3719. *Employers to be communicated with.*—It shall be the duty of the superintendent of the free employment bureau and the attendants of the branch free employment bureaus to put themselves in communication with the principal manufacturers, merchants, and other employers of labor and to use all diligence in securing the cooperation of said employers of labor with the purposes and objects of said employment bureaus. To this end it shall be competent for such officers to advertise, under the direction of the commissioner of labor, in newspapers, or other mediums, for such situations as they have applications to fill, and they may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published in Oklahoma or not.

SEC. 3720. *Fees prohibited.*—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment bureau or branch free employment bureaus.

SEC. 3721. *Definitions.*—The term "applicant for employment," as used in this article, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this article shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service and all other legitimate service.

Employment of children

SECTION 3728. *Age limit.*—[No child under 14 may be employed in any factory, workshop, bowling alley, pool hall, or steam laundry; and no child under 15 in any occupation injurious to health or morals or especially hazardous to life or limb. The commissioner of labor may decide what are dangerous, etc., occupations, and notify employers thereof.]

SEC. 3729. *Dangerous occupations.*—[The employment of children under 16 is forbidden in specified dangerous occupations, including those requiring girls to stand constantly. For a similar list, see Delaware Code, secs. 3145, 3148.]

SEC. 3730. *News girls.*—[No girl under 16 may sell or offer for sale any newspapers, magazines, or periodicals in any street or outdoor public place of any city.]

SEC. 3731. *Illiterates.*—[No child under 16 may be employed in the occupations named in sec. 3728 unless he is able to read and write or has attended school the preceding year as required by law.]

SEC. 3732. *Hours of labor, seats.*—[No child under 16 may work more than 8 hours per day or 48 hours per week in any gainful occupation other than farm or domestic service, one hour to be allowed at noon. Seats must be furnished and their use permitted, so far as the nature of the work allows.]

SEC. 3733. *Night work.*—[No boy under 16 and no girl under 18 may be employed in the occupations named in sec. 3728 between 6 p. m. and 7 a. m.]

SECS. 3734, 3735, 3736 (as amended 1917, ch. 182), 3738. *Certificates.*—[Certificates are required for the employment of children under 16 in the occupations specified in section 3728. These must be kept on file, and a register of employed children, with ages, posted in each workroom. A schedule of work hours must also be posted. Certificates are issued by the school authorities, the form being prescribed by law. Proof of age, ability to read and write, school attendance, and a medical certificate signed by two physicians are required, and the child must personally appear before the issuing official. Enforcement rests with the factory inspector and truant officers, who may inspect places of employment, and require proof of age of children apparently under 16.]

SEC. 3739. *Mines and quarries.*—[No boy under 16 and no female may be employed underground in any mine or quarry.]

Employment of women

SECTION 3740. *Seats for female employees.*—The proprietor, manager, or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks, shall provide chairs, stools, or other contrivances for the comfortable use of such female employees, and shall permit the use of the same by such female employees for the preservation of their health and for rest when not actually employed in the discharge of their respective duties.

SEC. 3741. *Hours of labor to be posted, where.*—Every person, firm, or corporation, agent, or manager of a corporation employing any female in any manufacturing establishment, factory, or workshop shall post and keep posted in a conspicuous place in every room where such help is employed a printed or written notice stating the hours of each day of the week between which work is required of such person.

SEC. 3742. *Violations.*—Any person violating any of the provisions of this article shall be punished by a fine of not less than ten dollars nor more than fifty dollars or imprisonment for not less than ten nor more than thirty days, or both such fine and imprisonment. It shall be the duty of the commissioner of labor to see that the provisions of this article are enforced, with the exception of section 3739, which shall be enforced by the mine inspector or under his direction.

Inspection and regulation of factories, etc.

SECTION 3743. *Factory inspector.*—The governor shall, upon the recommendation of the commissioner of labor, by and with the consent of the senate, appoint a factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection, under the direction of the commissioner of labor. The salary of the factory inspector shall be fifteen

hundred dollars per annum and he shall serve during the term of the governor. It shall be the duty of the factory inspector to visit and inspect at all reasonable hours, not less than once in each year, the factories, workshops, machine shops, foundries, laundries, manufacturing establishments in the State, and such other places where labor is employed as the commissioner of labor may designate, and shall make special investigation into the conditions of labor or into any alleged abuses in connection therewith, and shall perform such other duties as are prescribed by law. Said inspector shall, under the direction of the commissioner of labor, collect, assort, systemize, and compile statistical details and information relating to all departments of labor in the State. He shall report in writing to the commissioner of labor on the fifteenth day of May and the first day of November of each year, and at such other times as the commissioner of labor may require, the result of his inspection and investigation, together with such other information and recommendation as he may deem proper. It shall be the duty of the county attorney of the proper county upon the request of the State factory inspector to prosecute any violation of law which it is made the duty of the factory inspector to enforce. In addition to the salary provided herein for the factory inspector he shall be allowed his actual and necessary traveling expenses incurred in performance of his duties in carrying out the provisions of this article.

SEC. 3744. *Rules to be formulated.*—The superintendent of the State board of health, the commissioner of labor, and the factory inspector shall formulate, publish, and enforce such rules as they may deem necessary for the sanitary regulations of manufacturing institutions, factories, and workshops in this State.

SEC. 3745. *Definition.*—The words "manufacturing establishments," "factory," or "workshop" whenever used in this chapter shall be construed to mean any place where goods or products are manufactured or repaired, cleaned, or sorted, in whole or in part, for sale or for wages.

SEC. 3746. *Guards for dangerous machinery.*—The owner or person in charge of a factory or any institution where machinery is used shall provide belt shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys, whenever practicable. All machines shall be provided with loose pulleys and all vats, pans, planers, cogs, gearing, belting, shafting, set screws, and machinery of every description shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to any machinery, vats, or pans while the same are in use, unless for the purposes of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is not properly guarded, the use thereof may be prohibited by the factory inspector or deputy factory inspector, and notice to that effect shall be attached thereto; such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

SEC. 3747. *Elevator shafts, etc.*—If in the opinion of the factory inspector, it is necessary to protect life or limbs of factory employees or employees in any other institution, the owner, agent, or lessee of such factory or institution where any elevator, hoisting shaft or wellhole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, whether ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of all elevators in factories and require them to be kept in a safe condition.

SEC. 3748. *Lighting halls.*—When, in the opinion of the factory inspector, it is necessary, the workrooms, halls, and stairs leading to workrooms shall be properly lighted.

SEC. 3749. *Stairways.*—Proper and substantial handrails shall be provided on all stairways in factories. The stairs shall be properly screened at the sides and bottom and all doors in or to such factory shall be so constructed as to open outwardly and shall not be locked or bolted or fastened during working hours.

SEC. 3750. *Toilet rooms.*—There shall be provided in every factory, manufacturing establishment, or workshop, where men and women are employed, separate toilet and wash rooms.

SEC. 3751. *Fire escapes.*—Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this State, consisting of two or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened, and secured, and shall have landings and balconies not less than six feet in length and three feet in height, embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs not less than eighteen inches wide, with steps not less than six inches tread, placed at a proper slant and protected by well-secured handrails on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground. The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility, from the stairways and elevator hatchways and openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story as means of escape in case of fire.

SEC. 3752. *Accidents to be reported.*—The person in charge of any factory shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, immediately after the time of the accident, stating as fully as possible the extent and cause of the injury and the place where the injured person had been sent, with such other information relative thereto as may be required by the factory inspector, who may investigate the cause of such accident or injury and order such precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

SEC. 3753. *Reports by owners of establishments.*—The owner, superintendent, manager or other person in charge of any establishment at the time of inspection shall be required to furnish the inspector making the inspection a true statement of the number of persons employed in such establishment; and any owner, superintendent, manager or other person in charge who shall fail or refuse to furnish such statement or understate the number of persons employed in such establishment at the time of such inspection shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for such firm or corporation, or by himself through subagents or foreman, superintendent or manager, who shall refuse or attempt to prevent the admission of any inspector authorized by this article, upon or within the premises or buildings of any such establishment or place included in this article, at any reasonable business hours of the persons employed therein or thereat or shall in any manner interfere with the performance of the official duties of such inspector, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

SEC. 3754. *Reports by employers.*—It shall be the duty of every owner, operator or lessee of any factory, foundry or machine shop or other manufacturing establishment, railroad, street railway, interurban railway, elevated railway, transmission company or commercial and industrial institution and other mechanical manufacturing institution doing business in this State, subject to the provisions of this article, to report annually on or before the first day of March, to the commissioner of labor, the name of the firm or corporation and the number of members, male and female, constituting the same; where located, capital invested in grounds, buildings and machinery; class and value of goods manufactured; aggregate value of material used; total number of days in operation; amount paid yearly for rent, taxes and insurance; total amount paid in wages; total number of employees, male and female, number engaged in clerical and manual labor, with detailed classification of the number and sex of employees engaged in each class, and children employed under the age of sixteen years, and average daily wages paid to each.

SEC. 3755. *Blanks.*—The commissioner of labor is hereby authorized to furnish suitable blanks to the owner, operator, manager or lessee of any factory, workshop, elevator, foundry, machine shop or any other mechanical or manufacturing establishment, to enable said owner, operator, manager or lessee to intelligently comply with the provisions of the preceding section.

SEC. 3756. *Violations.*—Any person who fails to comply with any of the provisions of this article shall be deemed guilty of a misdemeanor, except as

otherwise provided, and on conviction thereof shall be fined in a sum not less than ten dollars nor more than one hundred dollars for each offense.

Employment of labor

SECTION 3757. *Eight hours a day's labor.*—Eight hours shall constitute a day's work for all laborers, workmen, mechanics, prison guards, janitors of public institutions, or other persons now employed or who may hereafter be employed, by or on behalf of the State, or by or on behalf of any county, city, township or other municipality, except in cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight hours per calendar day for the protection of property or human life: *Provided*, That in all such cases, the laborers, workmen, mechanics or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided, further*, That not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, prison guards, janitors in public institutions, or other persons so employed by or on behalf of the State, or any county, city, township, or other municipality, and laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the State, or with any county, city, township, or other municipality thereof, shall be deemed to be employed by or on behalf of the State, or of such county, city, township, or other municipality.

The performance of ordinary and usual duties does not give rise to a claim for added compensation for overtime work where one works more than eight hours daily as a common practice. 130 Pac. 276.

SEC. 3758. *Basis of contracts.*—All contracts hereafter made by or on behalf of the State, or by or on behalf of any county, city, township, or other municipality, with any corporation, person or persons for the performance of any public work, by or on behalf of the State, or any county, city, township, or other municipality, shall be deemed and considered as made upon the basis of eight hours constituting a day's work; and it shall be unlawful for such corporation, person or persons, to require, aid, abet, assist, connive at, or permit any laborer, workman, mechanic, prison guards, janitors in public institutions, or other person to work more than eight hours per calendar day in doing such work, except in cases and upon the conditions provided in the preceding section.

SEC. 3759. *Violations.*—Any officer of the State, or of any county, city, township, or other municipality, or any person acting under or for such officer, or any contractor within the State, or any county, city, township, or other municipality thereof, or other persons violating any of the provisions of the two preceding sections, shall for each offense be fined in any sum not less than fifty dollars, nor more than five hundred dollars, or punished by imprisonment of not less than three months nor more than six months. Each day such violation continues shall constitute a separate offense.

SEC. 3760. *Application of law.*—Every corporation, association, company, firm, or person in the State, engaged in mining coal, ore, or other minerals or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements, or any article of merchandise, shall pay each employee of such corporation, association, company, firm, or person, if demanded, at least twice each calendar month, the amount due such employee for labor, and such payment shall be in lawful money of the United States, and the employee shall not be deemed to have waived any right or rights herein mentioned because of any contract to the contrary.

SEC. 3761. *Scrip to be redeemable.*—Every corporation, association, company, firm, or person, or any member, agent, or employee thereof, who shall publish, issue, or circulate any check, card, or other paper which is not commercial paper, payable at a fixed time in any bank in this State, at its full face value, in lawful money of the United States, or any card or check issued, which is not payable in lawful money of the United States on each regular pay day, to any employee of any such corporation, association, company, firm, or person, in payment for any work or labor done by such employee, shall be guilty of a misdemeanor.

SEC. 3762. *Violations.*—Any corporation, association, company, firm, or person in this State, engaged in mining coal, ore, or other minerals, or quarrying stone, or in manufacturing iron, steel, lumber, staves, headings for barrels, brick, tile and tile machinery, agricultural or mechanical implements, or any article of merchandise, upon conviction of a violation of any of the provisions of the two preceding sections, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars.

SEC. 3764. *Labor agreements not conspiracy.*—No agreement, combination or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees, shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be punishable as a crime, nor shall such agreement, combination or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto. Nothing in this article shall exempt from punishment otherwise than is herein excepted, any person guilty of conspiracy for which punishment is provided by any other law of the State, but such other law shall, as to the agreement, combination and contracts hereinbefore referred to, be construed as if this article was therein contained: *Provided*, That nothing in this article shall be construed to authorize force or violence.

This section is to be construed with the antitrust law of the State; it exempts labor unions from its application, and is constitutional. 122 Pac. 243; 130 Pac. 316.

SEC. 3765. *False representations as to conditions of employment.*—It shall be unlawful for any employer of labor doing business in this State, to induce, influence, persuade or engage workmen to change from one place to another in the State, or to bring workmen of any class or calling into the State to work in any of the departments of labor, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of employment, or as to the existence or nonexistence of a strike or other trouble pending between employer and employees, at the time of or prior to such engagement. Failure to state in an advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor trouble at the place of the proposed employment, when, in fact, such strike, lockout or other labor troubles then actually exist at such place, shall be deemed a false advertisement and misrepresentation for the purposes of this section.

SEC. 3766. *Violations.*—Any employer of labor of any kind doing business in this State, as well as its agent, attorney or servant found guilty of violating the preceding section, or any part thereof, shall be fined not less than five hundred dollars and not exceeding two thousand dollars, or confined in the county jail not less than one month and not exceeding one year, or both such fine and imprisonment.

SEC. 3768. *Damages recoverable when.*—Any workman who shall be influenced, induced or persuaded to engage with any persons mentioned in section 3765, through or by means of any of the things therein prohibited, shall have the right of action for recovery of all damages that he has sustained in consequence of the false or deceptive representation, false advertisement and false pretenses used to induce him to change his place of employment, against any companies, corporations, or other employers of labor directly or indirectly causing such damages, and, in addition to all actual damages such workman may have sustained, he shall be entitled to recover such reasonable attorney's fees as the jury shall fix, to be taxed as costs in any judgment recovered.

SEC. 3769. *Reason for discharge to be furnished.*—Whenever any employee of any public service corporation, or of a contractor, who works for such corporation, doing business in this State, shall be discharged or voluntarily quits the service of such employer, it shall be the duty of the superintendent or manager, or contractor, upon request of such employee, to issue to such employee a letter setting forth the nature of the service rendered by such employee to such corporation or contractor and the duration thereof, and truly stating the cause for which such employee was discharged

from or quit such service; and, if any such superintendent, manager or contractor shall fail or refuse to issue such letter to such employee, when so requested, or shall willfully or negligently refuse or fail to state the facts correctly, such superintendent, manager or contractor shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, and by imprisonment in the county jail for a period of not less than one month and not exceeding one year: *Provided*, That such letter shall be written, in its entirety, upon a plain sheet of white paper to be selected by such employee. No printed blank shall be used, and if such letter be written upon a typewriter, it shall be signed with pen and black ink and immediately beneath such signature shall be affixed the official stamp, or seal, of said superintendent, manager or other officer of such corporation or contractor, in an upright position. There shall be no figures, words or letters used, upon such piece of paper, except such as are plainly essential, either in the date line, address, the body of the letter or the signature and seal or stamp thereafter, and no such letter shall have any picture, imprint, character, design, device, impression or mark, either in the body thereof or upon the face or back thereof, and any person of whom such letter is required who fails to comply with the foregoing requirements shall be liable to the penalties above prescribed.

A service letter in statutory form need not be furnished a workman who refuses to surrender another letter which had been given before demand for the statutory letter. 136 Pac. 764.

SEC. 3770. *Blacklisting forbidden.*—No firm, corporation or individual shall blacklist or require a letter of relinquishment, or publish, or cause to be published, or blacklisted, any employee, mechanic or laborer, discharged from or voluntarily leaving the service of such company, corporation or individual, with intent and for the purpose of preventing such employee, mechanic or laborer, from engaging in or securing similar or other employment from any other corporation, company or individual.

SEC. 3771. *Penalty.*—Any person, firm or corporation violating the preceding section shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and any person so blacklisted shall have a right of action to recover damages.

SEC. 3772. *Construction of scaffolds, etc.*—All scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm or corporation in the State, for use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct, steel tank, standpipe or other structure, shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 3773. *Protective floors.*—If, in the erection of an iron or steel framed building, the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, during the construction of each story, from the time when the beams or girders are placed in position; but openings protected by a strong hand railing not less than four feet high may be left through said floors for the passage of workmen and material.

SEC. 3774. *Failure to supply floors.*—Any person engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers, and other persons engaged upon the work of construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed

guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety may be endangered by such neglect or refusal shall be held and considered a separate offense, severally liable to the penalties aforesaid.

SEC. 3775 (as amended 1919, ch. 149). *Noncompliance.*—Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure, within the provisions of the three preceding sections shall comply with the terms thereof, and any such contractor or other person violating any of the provisions of the three preceding sections shall, upon conviction thereof, be fined not less than $50 nor more than $200 or imprisoned for not less than thirty days nor more than one year, or both such fine and imprisonment, in the discretion of the court. In addition to the penalties herein provided, in the event of refusal or neglect of any person, firm or corporation, or his, or its agents, to comply with the provisions of the three preceding sections, the use of any such scaffold, hoist, crane, stays, ladder, support, or other mechanical contrivance, or the erection, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, or other structure, may be prohibited by the labor commissioner, or inspector deputized by him, and a notice to that effect shall be posted upon the premises. Such notice shall not be removed until such scaffold, hoist, crane, stays, ladder, support or other mechanical contrivance or temporary floorings are properly and safely constructed.

SEC. 3776. *Liability.*—An employer shall be responsible in damages for personal injury caused to an employee who was himself in the exercise of due care and diligence at the time he was injured, by reason of any defect in the condition of the machinery or appliances connected with or used in the business of the employer which arose, or had not been discovered or remedied owing to the negligence of the employer, or of any person intrusted by him with the duty of inspection, repair or of seeing that the machinery or appliances were in proper condition.

SEC. 3777. *Shelters at railroad division points.*—It shall be unlawful for any railroad corporation, or other person, who owns, controls, or operates any lines of railroad in the State, to build, construct, or repair railroad equipment without first erecting and maintaining at every division point a building or shed over the repair tracks, same to be provided with a floor where such construction or repair is permanently done, so as to provide that all men employed in the construction and repair of cars, trucks, and other railroad equipment, shall be under shelter during snows, sleet, rain, and other inclement weather.

SEC. 3778. *Violation.*—Every person or corporation, or manager, superintendent, foreman, or agent of any person or corporation, who shall fail or refuse to comply with the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and each day that said person or corporation, or its manager, superintendent, foreman, or agent shall refuse or fail to comply with the provisions of said section shall constitute a separate and distinct violation thereof.

SEC. 3779. *Entering boiler under pressure.*—It shall be unlawful for any railroad company or any other person, firm, or corporation, using steam boilers, to command, order, or permit by themselves or their agents any of their employees to enter any steam boiler, fire box, or smoke chamber thereto, for the purpose of repairing or cleaning the same or for any other purpose when the same is under steam pressure.

SEC. 3780. *Violation.*—Any officer, superintendent, foreman, boss, or other person in authority who, on behalf of any railroad corporation or any other person, firm or corporation, using steam boilers, violating any of the provisions of the preceding section, shall be deemed guilty of a felony, and shall, upon conviction, be punished by imprisonment for a period of not less than one year nor more than two years.

SEC. 3781. *When violation is manslaughter.*—Should any employee enter such boiler, fire box, or smoke chamber, while the same is under pressure of steam, at the command or order of his employer, or the agent of such employer, and, while inside of such boiler, fire box, or smoke chamber, meet with an accident

resulting in his death, the person or persons commanding or ordering him to enter such boiler, fire box, or smoke chamber shall be guilty of manslaughter in the second degree.

SEC. 3782. *Assumption of risk.*—The fact that the employee entering such steam boiler, fire box, or smoke chamber had knowledge of the unsafe condition of such steam boiler, and danger in so doing, and meeting with an accident shall not deprive him of the right of action against such employer for damages, and should said accident result in the death of such employee, then the wife or next of kin shall have a right of action against such employer for any damages she, they or the estate of such deceased employee may sustain by reason of the death of such employee, which action may be commenced in any court of competent jurisdiction.

Mine regulations

SECTIONS 3937, 3938. *Mining board.*—[A State mining board, appointed by the governor, consisting of two practical coal miners, one mining engineer, one hoisting engineer, and an operator, has charge of granting certificates of competency under this law. They are allowed $5 per diem for not more than 20 days per quarter, except the secretary, who may be compensated for 25 days per quarter.]

SECS. 3939 (as amended 1913, ch. 90), 3940–3946. *Certificates.*—[Certificates are required for mine managers, superintendents, pit bosses, hoisting engineers, and fire bosses, under penalty of fine of from $50 to $200 or imprisonment 10 to 30 days, or both. Examinations, oral or otherwise, precede the granting of certificates. The board may exercise its discretion as to granting certificates (but not without examination) to holders of credentials from other States. Fees are for examinations of managers, and superintendents, $2.50; of pit bosses and hoisting engineers, $2; and of fire bosses, $1. A like sum must be paid for the issue of a certificate. Records are kept of certificates issued, which may be revoked for incompetency, intoxication, or other sufficient cause; a hearing after notice must be allowed.]

SECS. 3947–3954. *Inspectors.*—[The chief mine inspector must have had 8 years' experience as a practical miner, not be interested in any mining operation, and receives a salary of $3,000 per annum. Bond in the amount of $10,000 is required. The State is divided into three inspection districts, for each of which a qualified assistant inspector is provided at a salary of $1,500 per annum. Inspectors and assistants are elected for terms of 4 years each. It is their duty to inspect all mines at least quarterly, and see that the law is observed; report the number of miners, accidents, injuries, and deaths; and they may arrest violators and suspend dangerous operations. They may enter mines at any reasonable time without obstruction by the operator, but must not unnecessarily obstruct the operation of any mine. The power to inspect extends to all classes of mines as well as coal mines.]

SECS. 3955–3999. *Safety, etc., provisions.*—[Maps must be provided and corrected at least every six months, the mode of working on the room and pillar plan is fixed, two available exits for workmen are required, travel ways must be provided around shafts at the bottom, hoisting is regulated, speaking tubes and signal systems required, ventilation, shelter holes, electric installations, the use of mining machines, oil for lubrication and illumination, the approach to abandoned mines, sprinkling of dusty places, supply of timbers, blasting and the employment of shot firers, are provided for, and the duties of mine foremen, assistants, and fire bosses are prescribed.]

SECS. 4000–4004. *Weighing coal.*—[Recognized standard scales must be used where payment for mining is by the quantity mined, and coal may not be screened before weighing. Weighmen must act under oath, and the miners may employ a check weighman at their own expense, who must also make oath and has the same privileges as the weighman. Penalties are fixed for incorrect weighing. It is the duty of the mine inspector to inspect and test scales and weights used at coal mines.]

SEC. 4005. *Hours of labor.*—[Except in cases of emergency, 8 hours constitute a day's work underground in all mines.]

SEC. 4006. *Convicts.*—[No convict may be employed in any mine other than stone or other material for use on public highways or public works of the State.]

SEC. 4008. *Monthly reports.*—[Superintendents are required to make monthly reports to the district inspector showing work time, employees, output, etc.]

SEC. 4009. *Posting rules.*—[The rules embodied in this act, and the definitions of duties of employees must be posted in a conspicuous place, in English and such other language as may be used by any ten employees.]

SEC. 4010. *Provisions for accidents.*—[Stretchers, blankets, and other first aid supplies must be furnished at all mines. If they extend a mile or more from exits, inside stations must be provided.]

SEC. 4014. *Violations.*—[Penalties for violations are fines not to exceed $500 or imprisonment not more than six months, or both, besides civil liability to persons injured by reason of such violations.]

Exemption of wages from garnishment, etc.

SECTIONS 5198, 5199, 5501. *Amount.*—[The earnings of a judgment debtor for three months next preceding an order in execution of judgment, attachment or garnishment process are exempt therefrom, if it appears that such earnings are necessary to the support of a family partly or wholly dependent.]

Fire escapes on factories, etc.

SECTION 6850. *Fire escapes required.*— * * * all buildings more than two stories in height, used for manufacturing purposes, * * * shall have at least one fire escape for every thirty persons for which working * * * accommodations are provided above the second stories of said buildings, * * *

SEC. 6854. *Enforcement.*—[The chief of the fire department in cities and towns having fire departments, and marshals in other cities, are charged with the enforcement of the foregoing provisions.]

ACTS OF 1911

CHAPTER 125.—*Inspection and regulation of factories, etc.*

SECTIONS 4–8. *Ventilation, repairs, etc.*—[Adequate ventilation of all workrooms in factories, mercantile establishments, laundries, renovating works, bakeries and printing offices is directed. Factory inspectors enforce the law, and may order necessary repairs for safety, and owners must comply, under penalty of fine, $50 to $100.]

CHAPTER 128.—*Department of labor—Hindering commissioner, etc.*

SECTION 3. *Hindering inspection, etc.*—[Interfering with the commissioner, his assistants, agents or factory inspectors, or refusing to answer questions or allow admittance is forbidden.]

ACTS OF 1913—REGULAR AND EXTRA SESSIONS

CHAPTER 46.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Semimonthly pay day required.*—Every railroad corporation, telephone and telegraph company, express company, street railway company, and every transportation or transmission company operating and doing business in the State of Oklahoma, shall pay each employee of such railroad, telephone and telegraph, street railway, transportation or transmission company, or employee of such corporation, association, company, firm, person or persons, at least twice each calendar month.

SEC. 2. *Violation.*—[Fine of $50 to $500 for each offense.]

CHAPTER 125.—*Mine regulations*

SECTIONS 1–3. *Wash rooms.*—[Wash rooms must be provided at all coal mines where ten or more miners are employed digging coal, equipped with lockers, baths, etc., with separate baths and lockers for negro employees. Employees furnish their own towels, soap and locks, and are responsible for property left in the lockers. Failure to comply with this law subjects the employer to a fine of from $50 to $200 or imprisonment 10 to 90 days, or both. Each week's failure constitutes a separate offense.]

SECS. 5–11. *Telephones and alarms.*—[A party line telephone system must be installed in every coal mine where as many as 15 men are engaged in digging coal, telephones to be located at prescribed points and intervals underground, with communications to the office of the weigh boss on the surface. Alarms

must be communicated by all drivers, motor men and trip riders, and every person receiving a signal of danger. Failing to give notice entails a fine of from $10 to $200, or imprisonment not to exceed three months, or both; failure to install a telephone system entails a fine of from $100 to $500 or imprisonment 60 days to 12 months, or both. Each week's failure constitutes a separate offense.]

Secs. 12, 13. *Check numbers.*—[Changing, removing, altering or placing a check number on any car or pit car in or about a mine with intent to defraud any miner or loader is a misdemeanor, punishable by a fine of not over $100 or imprisonment not to exceed one month, or both.]

Sec. 14. *Inspectors.*—[Chief and assistant inspectors must be 30 years of age, for two years bona fide residents of the State, and have passed the examination for mine superintendents (see also secs. 3947, 3950).]

Sec. 15. *Assistant foremen.*—[Where a mine foreman can not perform the duties required of him, an assistant may be employed, who shall hold a certificate as gas man or mine foreman.]

Secs. 16, 17. *Hindering fire boss.*—[No company, officer, mine foreman or other person may in any way interfere with a fire boss by intimidation or otherwise in the discharge of his duties, under penalty of a fine of from $100 to $500, or imprisonment not less than 30 days nor more than 12 months, or both.]

ACTS OF 1915

Chapter 30.—*Railroads—Hospitals for employees*

Section 1. *Hospitals to be provided, when.*—All railroad companies operating a line or lines, of railroad in the State of Oklahoma, or any association or corporation which have [has] heretofore collected, are [is] now collecting, or which may hereafter collect fees or sums of money from the employees of such railroad, association or corporation, or for the purpose or providing or maintaining hospital service for such employees when sick or injured, shall upon the order of the Corporation Commission of the State of Oklahoma, provide adequate hospital facilities within the State of Oklahoma for its employees who may be injured or become sick.

Sec. 2. *Power of commission.*—Jurisdiction and authority is hereby conferred on the corporation commission to make investigation, require reports, as to the adequacy of such hospital facilities and condition of funds and by order, require all railroad companies, associations, or corporations operating in the State of Oklahoma to establish such facilities as in the discretion of the commission may be necessary for the prompt and proper relief and medical attention of such sick and injured employees: *Provided,* No employee shall be taken out of the State of Oklahoma for treatment, without the written consent of such employee, or in case such employee shall be incapable to give or refuse such consent then the company surgeon, if present, or if not present, the coemployees of the sick or injured party, shall be authorized to give such consent, and further, that all corporations, companies, associations, or firms operating railroads within the State and who shall maintain hospitals without the State, shall be permitted to take all sick and injured employees to the hospital either within or without the State where the first medical or surgical service and attention can be secured.

Sec. 3. *Investigations.*—The corporation commission shall make investigations authorized in section 2 of this act, upon its own motion or complaint of an employee of the railroad company, but shall in no case, disclose the name of the employee making the complaint unless authorized to do so by such employee.

Chapter 148 (as amended 1919, ch. 163).—*Employment of women—Hours of labor*

Section 1. *Nine-hour day.*—No female shall be employed or permitted to work in any manufacturing, mechanical or mercantile establishment, laundry, bakery, hotel or restaurant, office building or warehouse, telegraph or telephone establishment or office or printing establishment, or book bindery, or any theater, show-house or place of amusement or any other establishment employing any female, more than nine (9) hours in any one day, nor more than fifty-four (54) hours in any one week.

Sec. 2. *Hours of work.*—The hours of work may be so arranged to permit the employment of females at any time so that they shall not work more than nine

(9) hours within twenty-four (24) hours, of any one day: *Provided, however*, That in time of great disaster, calamity or epidemic, telephone establishments may work their operators, with their consent, for a greater number of hours in any one day than above stated, said operators to be paid not less than double their regular compensation for such extra time: *Provided*, That this act shall not apply to females who are registered pharmacists, or employed as nurses or those engaged in agricultural or domestic service: *And provided further, however*, That in case of emergency in hotels and restaurants, females may work to a maximum of ten (10) hours during the twenty-four with their consent; such females to be paid not less than double their regular compensation for such extra time: *And provided further*, That this act shall apply only to towns and cities containing a population of five thousand (5,000) or more, as shown by the last Federal census, or any Federal census hereafter taken: *Provided, however*, That the provisions of this act shall apply to any of the establishments mentioned in section one of this act, where five or more females are employed, and located outside of the incorporated limits of any city or within the limits of any city, town or village of less than five thousand (5,000) population.

SEC. 3. *Toilets and seats.*—Every employer in any manufacturing, mechanical or mercantile establishment, or workshop, laundry, printing office, dressmaking or millinery establishment, hotel, restaurant, or theater or telegraph or telephone establishment and office, or any other establishment employing females, shall provide adequate and suitable toilet facilities for such employees and shall provide suitable seats for all female employees and permit them to use such seats when not engaged in the active performance of the duties of their employment.

CHAPTER 222.—*Free public employment office at Tulsa*

SECTION 1. *Branch office.*—The commissioner of labor is hereby authorized to establish at Tulsa, Oklahoma, a branch of the Oklahoma free employment bureau, and to appoint an attendant for said agency whose salary shall not exceed the sum of $900 per annum, and all necessary expenses incurred in the conducting of said agency: *Provided*, Said expenses shall not exceed $300 per year.

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CHAPTER 181.—*Private employment offices*

SECTION 1. *License.*—[A license issued by the commissioner of labor, on payment of an annual fee of $50, is required for all employment agencies. Licenses are nontransferable, but may be used in a different location on notice to the commissioners.]

SECS. 2, 3. *Bond; revocation of license.*—[A bond of $500 is required conditioned on compliance with the law. Licenses may be revoked for violation of any of the provisions of the act. The commissioner of labor may call witnesses, examine papers, etc., in connection with revocation proceedings, and may apply to the district judge for a writ of contempt to enforce obedience to subpœnas.]

SEC. 4. *Sign.*—[No sign or advertisement may carry a name similar to that of the State free employment bureau.]

SEC. 5. *Registers.*—[Registers must be kept, showing name, sex, age, occupation, fee charged, etc., also showing names and addresses of persons to whom help is furnished, and the nature of the employment.]

SEC. 6. *Receipts.*—[Receipts must be issued to all persons for whom positions are secured, showing name, age, sex, occupation, fee charged, and the name and address of the employer, and the wages to be paid. A copy is to be sent to the commissioner of labor, and one kept on file.]

SEC. 7. *Registration.*—[No fee may be charged for registration or an agreement to furnish employment or help.]

SECS. 8, 9. *Fees.*—[Fees for procuring employment may not exceed 5 per cent of the first month's wages, where the employment is for one month or more; in other cases not more than $1; and in no case may a fee be charged both the employer and the employee. No other charge may be made.

If the applicant fails to procure employment he may demand the return of his fee, and if he was sent beyond the limits of the city, his actual expenses incurred by reason of failure to receive the employment. Dividing fees subjects the agency to a fine of not less than $50 nor more than $100, or imprisonment not over 6 months.]

SEC. 10. *Acts forbidden.*—[Sending any female to any place of bad repute or immoral resort, or giving false information or making false entries in the registers is forbidden.]

SECS. 11, 12. *Fulfilling contracts.*—[Employers who have workmen brought into the State, or transferred from one point to another in the State by means of an employment agency must immediately fulfill the terms of their contracts as to furnishing employment, or within 12 hours furnish transportation and cost of meals and lodging for the return of the workmen to their original starting point, under penalty of a fine of from $50 to $100. The commissioner shall, after investigating the facts, order all employment agents in the State to refuse further service to such employers.]

SEC. 13. *Scope.*—[Included under the act are manual and mechanical labor, and clerical, domestic, and professional service.]

SECS. 14, 15. *Enforcement.*—[Enforcement of the act rests with the commissioner of labor, who may issue such rules and regulations as he deems necessary to make its provisions effective. It is his duty to prosecute violations, which if not specifically provided for, are punishable by a fine of from $5 to $100 or imprisonment not over 6 months, or both; but for sending a female to a place of bad repute or immoral resort, the penalty is imprisonment not less than 30 days nor more than 6 months, and no license may again issue to such violator of the law.]

SEC. 16. *Exception.*—[Charitable organizations not charging a fee are not included under this act.]

CHAPTER 146.—*Inspection of steam boilers*

SECTION 1. *Inspectors.*—[The State factory inspector and his assistants, under the direction of the commissioner of labor, are to supervise the work of inspecting and, as far as possible, of installing steam boilers in the State.]

SEC. 2. *Scope.*—[Annual inspection is required of all steam boilers operated in the State except those under Federal jurisdiction, locomotive boilers, and boilers not exceeding 15 pounds gauge pressure, and threshing engines during the threshing season. Internal and external inspection are repaired, and the hammer and hydraulic test when deemed necessary.]

SEC. 3. *Unsafe boilers.*—[Boilers found defective must be repaired as directed, or their use may be prohibited.]

SEC. 4. *Insurance inspectors.*—[Inspection under the direction of insurance companies may be accepted by the labor commissioner.]

SEC. 5. *Rules.*—[The factory inspector, under the direction of the commissioner of labor, is authorized to make rules and issue orders for the safety of steam boilers, covering also appurtenances and boiler rooms.]

SEC. 6. *Hindering inspection.*—[Hindering inspectors in the preformance of their duties is forbidden.]

SEC. 7. *Violations.*—[Violation of the law or of inspector's orders is punishable by a fine of from $100 to $500, or imprisonment not over 6 months, or both.]

OREGON

OREGON LAWS—1920

Suits for wages—No property exempt

SECTION 227. *Exemptions, property.*—[Specific articles and values of property of a judgment debtor are exempt from execution, except where the claim is for labor performed for a person engaged in a business, trade or occupation, to enable him to carry the same on, in which case no article, tool, implement or apparatus used in the undertaking, or money due the employer on account thereof, shall be exempt.]

Exemption of wages from execution

SECTION 228 (as amended 1923, ch. 204). *Exemptions, wages.*—[The earnings of a judgment debtor for 30 days prior to service of attachment, etc., not exceeding $75 in amount, are exempt on a showing of necessity for the support of his family; but if the debt is for family expenses, 50 per cent of such earnings are exempt.]

Garnishment of wages—Public employees

SECTION 258. *Garnishment.*—[Wages and salaries of public employees are subject to garnishment, etc., in the hands of the officer charged with the payment of the same, in the same manner as property in the possession of individuals.]

Wages as preferred claims

SECTION 1110. *Receiverships.*—[Wages accrued within six months prior to the appointment of a receiver must be paid out of the first receipts, after the payment of current operating expenses; and must be paid at least every 30 days out of the first receipts and earnings. If these do not suffice to make such payments, certificates bearing interest at 8 per cent must be issued, to be redeemed out of the first receipts and earnings available.]

SEC. 1295. *Administration.*—[Wage debts rank next after funeral charges, United States taxes, expenses of last sickness, State and local taxes, debts preferred under United States laws and debts secured by liens at the time of the employee's death.]

CHAPTER 313.—*Employers' advances—Fraudulent representations*

SECTION 2025–2 (*a*). *Offenses.*—Every person who, with intent to defraud, shall sign for and accept or receive transportation to or in the direction of a place of employment provided by or at the instance or expense of the proposed employer, or who shall knowingly or with intent to defraud accept or receive the benefit of any other pecuniary advancements made by or at the instance or expense of his employer, as advances against wages for labor to be performed, and who shall neglect or refuse to render service or perform labor or pay in money equal in value to such transportation or other benefits accepted or received, shall be guilty of a misdemeanor and shall be fined not exceeding $100 or imprisoned not exceeding sixty days, or both such fine and imprisonment at the discretion of the court; and the failure or refusal of any such person to render service, perform labor, or pay in money, for such transportation or other benefits, shall be prima facie evidence of his or her intent to defraud: *Provided*, That at or prior to the time of advancing such transportation or other benefits the employer shall have delivered directly to such laborer or shall have filed in duplicate with the employment agency through which any such laborer is secured, one copy of which shall be delivered to such laborer, a written or printed statement setting forth the wages to be paid, the character

of the work to be performed, and the living and working conditions: *Provided further*, That such wages to be paid, the character of the work to be performed and the living and working conditions must be as in such written or printed statement represented.

SEC. 2025–2 (*b*). *False statements.*—Every employer of labor who shall directly or through any agent, knowingly and with intent to deceive, file with any employment agency as a preliminary to securing labor, a false written or printed statement of wages to be paid, work to be performed, or living and working conditions, shall be guilty of a misdemeanor and shall be fined not to exceed $100 or imprisoned not to exceed sixty days, or both such fine and imprisonment at the discretion of the court; and the failure or refusal of such employer to employ any laborer, to whom such written or printed statement has been delivered, shall be prima facie evidence of intent to deceive.

Protection of employees as voters

SECTION 2060. *Attempting to influence vote.*—Any person or corporation who directly or indirectly uses any force, violence, or restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss, or in any other manner practices intimidation upon or against any person in his or its employ, in order to induce or compel such person to refrain from voting at any election, or to vote or to refrain from voting for or against any person or persons, or for or against any proposition submitted to the voters at such election, or to place or cause to be placed, or refrain from placing or causing to be placed, his name upon a registry of voters, or on account of any person having so voted or refrained from voting at such election, or having registered or refrained from registering as a voter; or by abduction, duress, or any forcible or fraudulent device or contrivance whatsoever impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any such employee; or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person or proposition, at any election; or, being an employer, pays his employee the salary or wages due him in pay envelopes upon which there is written or printed any political motto, device, or argument containing threats, expressed or implied, intended or calculated to influence the political opinions or actions of such employees; or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated work in his place or establishment will cease in whole or in part, his establishment be closed up or the wages of his employees reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his or its employee, is guilty of a misdemeanor.

SEC. 2061. *Violations.*—Any person or corporation found guilty of a violation of any of the provisions of the preceding section of this act shall be fined in a sum not less than $100 nor more than $1,000, and, if a corporation, shall in addition forfeit its charter.

Interference with employers and employees—Coercion

SECTION 2176. *Interference with employment of labor, etc.*—If any person shall, by force, threats, or intimidation, prevent, or endeavor to prevent, any person employed by another from continuing or performing his work, or from accepting any new work or employment; or if any person shall circulate any false written or printed matter, or be concerned in the circulation of any such matter, to induce others not to buy from or sell to or have dealings with any person, for the purpose or with the intent to prevent such person from employing any person, or to force or compel him to employ or discharge from his employment anyone, or to alter his mode of carrying on his business, or to limit or increase the number of his employees or their rate of wages or time of service, such person shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not more than six nor less than one month, or by fine of not less than $10 nor more than $200.

The action of the executive committee of a labor union in going to an establishment and directing the members of the union at work there to cease their work under penalty of being dealt with according to the rules of the union, is not, in the absence of acts of intimidation and violence, unlawful under this section. 26 Oreg. 544.

SEC. 2177. *Employees as traders, etc.*—It shall be unlawful for any person or corporation to compel by threats or intimidation, or threats of discharge, or to use any means to compel an employee against his will to board at any particular hotel, boarding house, or other place where lodgings or board may be provided, or to require an employee to purchase goods and supplies at any particular store.

SEC. 2178. *Violations.*—[Penalties for violations are fines, $25 to $100, or imprisonment, 10 to 30 days, or both.]

SEC. 2179. *Blacklisting forbidden.*—No corporation, company, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer discharged by such corporation, company, or individual, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, or individual.

SEC. 2180. *Violations.*—[Violations of above section are punishable by fine, $50 to $250, or imprisonment, 30 to 90 days, or both.]

Labor organizations—Unauthorized use of badges

SECTION 2202. *Use of badge by nonmembers.*—It is unlawful for any person not a member thereof to wear or display any badge, button, insignia, rosette or other emblem of any order, society or organization.

SEC. 2202–1. *Seeking aid.*—It is unlawful for any person not a member of any order, society or organization to use the name of any such order, society or organization to seek or obtain aid or assistance from any member thereof or from the public by virtue of claiming or representing himself, herself or itself to be entitled thereto as a member of any such order, society or organization when not a member thereof.

SEC. 2202–2. *Definitions.*—The word "person" hereinafter used in this act shall include every man, woman and every association voluntary or incorporated and every corporation whatsoever in this State or coming into the State. The words "order, society or organization" hereinafter used in this act shall include every labor organization or association. * * *

Employment on public works—Chinese—Aliens

SECTION 2906. *Chinese not to be employed.*—It shall be unlawful to employ any Chinese laborers on any street or part of street of any city or incorporated town of this State, or any public works or public improvement of any character except as a punishment for crime; and all contracts which any person or corporation may have for the improvement of any such street or part of street, or public works or improvements of any character, shall be null and void from and after the date of any employment of any Chinese laborers thereon by the contractor: *Provided*, That nothing in this act shall be so construed as to prevent any Chinese laborer working his own or any other Chinaman's property or poll road tax under the direction of any supervisor of roads in this State.

SEC. 2999. *List of employees.*—Every contractor shall, upon demand of the executive officer of the State or municipal corporation with which he has contracted, furnish a list of his employees, which shall set forth whether they are citizens of the United States.

Railroads—Inspection—Wages and hours.

SECTION 5843. *Inspection.*— * * * The commission shall also, from time to time, and as often as once each year, carefully examine and inspect the physical condition of each railroad in the State, its roadbed, stations, equipment, and the manner of its conduct and management with reference to the safety of the public and the employees of such railroad, and the convenience of the public, and shall report the result of its investigation to the railroad company, together with its recommendations thereon: *Provided*, That this section shall not be construed as repealing any existing law on the subject.

SEC. 5871. *Investigation.*— * * * The commission shall also ascertain * * * the amount paid for salaries to the officers of the road, and the wages paid to its employees, and the maximum hours of continuous service re-

quired of each class. Whenever the information required by this section is obtained, it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any State board or officer.

CHAPTER 139.—*Railroads—Discharge of bonded employees*

SECTION 5912. *Statement of cause to be furnished.*—In case of any dispute or disagreement between any bonded employee, or employees, of any railroad, as the word "railroad" is defined in section 5829, which dispute shall result in the discharge or termination of the services of said bonded employee, or employees, it shall be the duty of the said railroad to furnish to such bonded employee, or employees, so discharged, upon request, a copy of the charges filed against said employee, or employees, as a result of which the services of said employee, or employees, shall have been discontinued: *Provided, however*, That if no written charges have been filed against such employee, or employees, as a result of which their services shall have been terminated, it shall be the duty of said railroad to furnish the employee, or employees, so discharged, with a written statement of the reasons for the discharge of said employee, or employees, within five days from the date of the termination of the services of said employee, or employees.

SECS. 5913–5916. *Failure to furnish; enforcement.*—[If the railroad fails to furnish a copy of the charges to the employee within five days from the discharge, such employee may complain to the railroad commission for the purpose of determining the cause of discharge; and if moral turpitude is charged, and the complaint is made that the charge was untrue, the commission will give ten days' notice of hearing. Process will issue to secure the attendance of witnesses, the presence of documents, etc., and if the charges are found to be false, a finding to that effect will be made, and reinstatement recommended, a copy being furnished to the complainant. Failure of persons to appear and answer legal inquiries subjects them to a fine, $100 to $1,000, or imprisonment not more than one year, or both.]

Railroads—Shelters for employees at division points

SECTION 5923. *Sheds to be constructed.*—It shall be unlawful for any railroad company, corporation, association or other person owning, controlling, or operating any line of railroad in the State of Oregon, to build, construct, or repair railroad car equipment in the State without first erecting and maintaining at every division terminal or other point where five men or more, not including car inspectors, are regularly employed on such repair work, a shed over a sufficient portion of the tracks used for such repair work, so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad car equipment shall be sheltered and protected from rain and other inclement weather: *Provided, however*, That the provisions of this act shall not apply at points where less than five men are regularly employed in the repair service, nor at points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of cars.

SEC. 5924. *Violations.*—[Failure to comply with above section entails a fine, $50 to $100, each day's violation constituting a separate offense.]

Liability of railroad companies for injuries to employees—Waivers

SECTION 5926. *Company liable, when.*—Every corporation operating a railroad in this State, whether such corporation be created under the laws of this State or otherwise, shall be liable in damages for any and all injury sustained by any employee of such corporation as follows: When such injury results from the wrongful act, neglect, or default of an agent or officer of such corporation, superior to the employee injured, or of a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect, or default of a coemployee engaged in another department of labor from that of the employee injured, or of a coemployee on another train of cars, or of a coemployee who has charge of any switch, signal point, or locomotive engine, or who is charged

with dispatching trains or transmitting telegraphic or telephonic orders. Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways, appliances, or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death, whether instantaneous or otherwise, results from an injury to any employee of such corporation received as aforesaid, the personal representative of such employee shall have a right of action therefor against such corporation, and may recover damages in respect thereof. Any contract or agreement, express or implied, made by any such employee to waive the benefit of this section, or any part thereof, shall be null and void, and this section shall not be construed to deprive any such employee, or his personal representative, of any right or remedy to which he is now entitled under the laws of this State.

SEC. 5927. *Contributory negligence.*—The rules and principles of law as to contributory negligence which apply to other cases shall apply to cases arising under this act, except in so far as the same are herein modified or changed.

Railroads—Provisions for safety

SECTION 5928. *Guards for frogs, etc.*—Every person or corporation owning or operating a railroad in this State shall be, and is hereby, required on or before the first day of July, 1912, to so adjust, fill, block, and securely guard the frogs, switches, and guardrails of their roads as to protect and prevent the feet of employees and other persons from being caught therein. No person or corporation owning or operating a railroad within this State shall employ or use as a flagman on or in connection with the operation of any passenger train any person who can not read and write and speak the English language or any person who is less than 21 years of age.

SEC. 5929. *Liability.*—Any person or corporation owning or operating a railroad in this State shall be liable for any damage caused from a failure to comply with the provisions of this act.

SEC. 5930. *Violations.*—[Violations entail penalties of fines, $500 to $2,000.]

Railroads—Height of wires crossing tracks

SECTION 5971. *Permits.*—[No wires, electric or other, may be strung over the tracks of a railroad company except as authorized and approved by the county court on notice of at least 10 days prior to hearing.]

SEC. 5972. *Present construction.*—[Existing construction is to be inspected and reasonable changes ordered, the cost to be apportioned as may be deemed just and reasonable. No wire may be less than 25 feet above the tracks, except trolley wires, which may be not less than 22 feet from the top of the rail.]

SEC. 5973. *Violations.*—[Failure to comply with orders made entails a penalty of $100 for each 10 days of noncompliance.]

Street railways—Seats for motormen—Vestibules

SECTION 5999. *Seats to be provided.*—Each person, firm, or corporation owning, managing, or operating any intrastate, interurban, and city electric street railway line in the State of Oregon shall provide all cars run or used on his, their, or its respective roads with good, substantial, and sufficient seats for the use of motormen operating passenger cars. Said motormen shall be permitted to occupy said seats at least one-half the time while operating said cars.

SEC. 6000. *Violations.*—[Violations are punishable by fine, $50 for the first and $100 for each subsequent violation, each day being a separate offense.]

SEC. 6001. *Platform to be inclosed, when.*—Each corporation, company, and individual owning, managing, or operating any street railway line in the State of Oregon shall provide, during the months of November, December, January, February, and March of each year, all cars run or used on its or their respective roads with good, substantial, and sufficient vestibules or weather guards for the reasonable protection of the employees operating passenger cars of such corporation, company, or individual.

SEC. 6002. *Construction of platforms.*—The vestibules or weather guards provided for in section 6001 shall be so constructed and so maintained and adjusted upon each car during each of the said months as to reasonably protect

the employees of such corporation, company, or individual operating said passenger car from the wind, rain, or snow.

SEC. 6003. *Violations.*—[Violations entail penalty of fine, $100 for the first offense and $100 for each subsequent violation, each day being a separate offense.]

Employment of labor—Medical and hospital fees

SECTION 6642. *Scope of act.*—An employer under the terms of this act shall be taken to mean all persons, firms, companies, corporations, or associations of persons, not including employers engaged in interstate commerce, doing business within this State who have been withholding or who may hereafter withhold or accept any portion of the wages of their employees for medical, surgical, or hospital care and attention.

Wherever the word "contractor" is used in this act it shall be understood to include any individual, firm, association, or company which may contract with any employer for the medical, surgical, or hospital care and attention of his employees.

SEC. 6643. *Law to be observed.*—On or after July 1, 1917, it shall be unlawful for any employer to deduct, withhold, or accept any portion of the wages of any employee for medical, surgical, or hospital care and attention or to expend any portion of the wages deducted or accepted for such purpose, except as provided in this act.

SEC. 6644. *Collection of fees lawful.*—It shall be lawful for an employer to collect or deduct a portion of the wages of his employees for medical, surgical, or hospital care and attention in such an amount and in such a manner as may be reasonable: *Provided*, That if any employee shall complain to the industrial accident commission as to the amount or manner of said deduction, then it shall be unlawful, after notice by said commission, for any employer to deduct or accept any portion of the wages of his employees except in the manner and amounts approved by the said industrial accident commission: *Provided*, That it shall be unlawful for any employer to directly or indirectly retain any portion of the said fund so collected for his own use or benefit, it being the intention of this act that the money so collected by the employer shall be a trust fund and shall be kept in separate accounts and promptly paid over for the purpose for which it is so collected and shall in no event become a part of the assets of any such employer.

SEC. 6645. *Contractors.*—It shall be lawful for employers to make contracts with contractors with regard to the funds of his [their] employees collected under the provisions of section 6644: *Provided*, That the industrial accident commission shall have power and authority to cancel any such contract whenever it shall deem that the physician selected to give service is not reasonably competent or the service furnished is not reasonably efficient: *Provided further*, That no contract shall be valid or effective between an employer and any contractor which shall extend over a period of more than one year, except that the contractor may make a valid contract for two years with the previous consent of the commission.

SEC. 6646. *Statements.*—Each contractor shall, on the first day of July and the first day of January of each year, make a statement to the industrial accident commission showing the amount of funds received from each employer during the preceding six months.

SEC. 6647. *Supervision.*—The supervision given to the industrial accident commission under the provisions of this act shall be exercised for the best interests of the employees, and any complaint made by any employee to said industrial accident commission hereunder shall be made in writing and subscribed and sworn to.

SEC. 6648. *Reports.*—The industrial accident commission is hereby authorized to demand from the employer such sworn statements and reports as may be reasonably deemed necessary in the administration of this act.

SEC. 6649. *Violations.*—Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $500.

Accidents to be reported

SECTION 6650. *Who to report.*—Every railroad (as defined in section 5829) and every public utility (as defined in section 630) and every other person,

firm, association or corporation, including receivers appointed by any court, who employs more than three persons at the same time or is subject to the provisions of chapter 1 of Title XXVII [relating to cities and towns] shall report to the State industrial accident commission any and all accidents happening to any person upon the premises of such railroad, public utility, or employer, or to any workman or employee. Such report shall be made within five days from the occurrence of such accidents and shall state:

1. The time, place, cause, and nature of the accident and injuries, the name, sex, age, and particular relationship between the person injured and the person so reporting, and the probable duration of the injury resulting therefrom.

2. Whether the accident arose out of or in the course of the injured person's employment or out of any relationship as passenger or patron of the railroad or public utility.

3. Any other matters which by its rules and regulations the State industrial accident commission may prescribe.

SEC. 6651. *Records.*—The State industrial accident commission shall preserve such reports as a public record available for the use of any other department or agency of the State government and shall publish a summary thereof in its reports to the governor.

SEC. 6652. *Immediate notice, when.*—Every railroad and public utility shall, in addition to the reports required by section 6650 hereof, give immediate notice, by telegraph, telephone, or personally, to the Railroad Commission of Oregon whenever any accident occurs within this State upon its premises, line of railroad, depot grounds or yards, or directly or indirectly arises from or connected with its maintenance or operation, which accident is attended by loss of human life or limb or serious injury to property. The Railroad Commission of Oregon may, if it deem the public interest requires it, investigate such accident forthwith, after seasonably notifying the railroad or public utility of the time and place of the investigation.

SEC. 6653. *Use as evidence.*—No report or any part thereof required by this act shall be used as evidence or used for any purpose against the railroad, public utility, or other employer in any suit or action for damages growing out of any matter mentioned in said report.

SEC. 6654. *Violations.*—[Violation is punishable by fine, $5 to $100, or imprisonment, 30 days, or both.]

Rehabilitation of injured workmen.

SECTION 6655. *Fund created.*—There is hereby created a fund to be known as the "rehabilitation fund." The State treasurer shall transfer one hundred thousand ($100,000) dollars from the industrial accident fund to the rehabilitation fund and there shall also be transferred to such fund, monthly, two and one-half per cent of the total monthly receipts of the State industrial accident commission from all sources. All interest earnings of the rehabilitation fund shall be credited to the industrial accident fund.

SEC. 6656. *Rules.*—The said commission is hereby authorized to provide under uniform rules and regulations, for the vocational rehabilitation of men and women injured by accident arising out of and in the course of their employment while working under the protection of the workmen's compensation law.

SEC. 6657. *Use of fund.*—The said commission is hereby authorized to expend as much of the said rehabilitation fund as may be necessary to accomplish the vocational rehabilitation of men and women injured as aforesaid: *Provided, however*, That nothing in this act shall be construed to amend or repeal the authority of the said commission under section 6628, to expend from the industrial accident fund money for the rent of buildings, the purchase of equipment and supplies, the payment of such doctors and nurses as may be necessary for the purpose of physical rehabilitation of injured workmen under said section 6628.

SEC. 6658. *School boards.*—Every school board of every school district maintaining vocational instructors or departments of any kind, shall upon application of the State industrial accident commission, and when its facilities will permit, furnish, to any person or persons designated by said commission, such vocational instruction as is provided for the pupils of said district and said commission shall cause to be paid to said district the actual cost of such instruction as nearly as may be estimated by said school board.

SEC. 6659. *Blind and deaf.*—Upon application of the State industrial accident commission, the State board of control shall provide for any person or persons designated by said commission, such vocational instruction at the Oregon State schools for the blind and deaf as is furnished to the other pupils of said school and said commission shall cause to be paid therefor, to the State board of control, such tuition charges as may be fixed by said board which amount may be expended by said board for the support and maintenance of said school.

Bureau of labor statistics

SECTION 6660. *Bureau established.*—There is hereby established a separate and distinct department in this State, to be known as the "bureau of labor statistics and inspector of factories and workshops," to be in charge and under control of a commissioner of the bureau of labor statistics, which office is hereby created.

SEC. 6661. *Commissioner.*—At the general election in the year 1906, there shall be elected, as other State officers are elected, a citizen of the State of Oregon, who has been a resident of the State over five years, to fill the office of commissioner of labor statistics and inspector of factories and workshops, elected and qualified. At the general election every fourth year thereafter whose term of office shall be four years and until his successor shall be elected and qualified. At the general election every fourth year thereafter there shall be elected a commissioner of labor statistics and inspector of workshops and factories, whose term of office shall be four years and until his successor is elected and has qualified.

SEC. 6662. *Duties.*—It shall be the duty of such officer to cause to be enforced all the laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives, and limbs of operatives in workshops, factories, mills, and other places, and all laws enacted for the protection of the working classes; laws which declare it to be a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights of citizenship; laws regulating and prescribing the qualifications of persons in trades and handcrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of the officers to collect, assort, arrange, and present, in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all the departments of labor in the State; to the subject of corporations, strikes, or other labor difficulties; to trade-unions and other labor organizations, and their effect upon labor or capital; the number and condition of the Japanese and Chinese in the State, their social and sanitary habits; number of married and of single; the number employed and the nature of their employment; the average wages per day at each employment and the gross amount yearly; the amount expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with the white industrial classes of the State; and to such other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all the proceedings of its officers which have been taken in accordance with the provisions of this act, herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such amounts [accounts] and such remarks, suggestions, and recommendations as the commissioner may deem necessary.

SEC. 6663. *Information confidential.*—It shall be the duty of every owner, operator, or manager of every factory, workshop, mill, or other establishment, excepting mines, where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by said commissioner, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section; such information shall be deemed confidential, and not for the purpose of disclosing personal affairs. Any officer,

agent, or employee of said bureau violating this provision shall be guilty of a misdemeanor and shall be fined in a sum not exceeding $500, or be imprisoned for not more than one year in the county jail.

SEC. 6964. *Powers.*—Said commissioner shall have the power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by such bureau, and such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a circuit court, such payment to be made from the fund appropriated for the use of the bureau, and in the manner provided in section 6987 for the payment of other expenses of the bureau. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend, or testify, at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail not exceeding thirty days.

SEC. 6965. *Entering work places.*—Said commissioner of the bureau of labor shall have power to enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts and statistics, such as are contemplated by this act; and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof; and any owner or occupant of said factory, mill, office, or workshop, or public or private works, or his agent, or agents, who shall refuse to allow an inspector or employee of said bureau to enter shall be guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than $25 nor more than $100, or be imprisoned in the county jail not to exceed ninety days for each and every offense.

SEC. 6966. *Records, etc.*—At the expiration of two years all records, schedules, and papers accumulating in said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

SEC. 6967. *Salary, etc.*—The commissioner of the bureau of labor statistics and inspector of workshops and factories shall from and after the first day of January, 1911, receive an annual salary of $3,000, payable quarterly, and is authorized to incur such expense and employ such clerical aid as may be necessary to carry out the provisions of this act. The secretary of state is hereby authorized to draw warrants on the State treasurer for the payment of such expense upon properly verified vouchers approved by the commissioner: *Provided, however*, That said expense shall not exceed at any time the amount appropriated therefor. Said commissioner shall, before entering upon the duties of his office, execute a bond to the State of Oregon in the sum of $3,000, conditioned upon the faithful, honest, and impartial performance of his duties under this act, which bond shall be approved by the secretary of state and filed in his office. Such commissioner shall include in his biennial report to the governor and legislature an itemized statement of the expense of the bureau incurred by him.

Industrial welfare commission—Employment of women and children.

SECTION 6968. *Commission created.*—There is hereby created a commission composed of three commissioners, which shall be known as the "Industrial Welfare Commission"; and the word "commission" as hereinafter used refers to and means said industrial welfare commission; and the word "commissioner" as hereinafter used refers to and means a member of said industrial welfare commission. Said commissioners shall be appointed by the governor. The governor shall make his first appointments hereunder within thirty days after this bill becomes a law; and of the three commissioners first appointed, one shall hold office until January 1, 1914, and another shall hold office until January 1, 1915, and the third shall hold office until January 1, 1916; and the governor shall designate the terms of each of said three first appointees. On or before the first day of January of each year, beginning with the year 1914, the governor shall appoint a commissioner to succeed the commissioner whose term expires on said first day of January; and such new appointee shall hold office for the term of three years from said first day of January. Each commissioner shall hold office until his successor is appointed and has qualified;

and any vacancy that may occur in the membership of said commission shall be filled by appointment by the governor for the unexpired portion of the term in which such vacancy occurs. A majority of said commissioners shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of said commission; and no vacancy shall impair the right of the remaining commissioners to exercise all the powers of said commission. The governor shall, so far as practicable, so select aud appoint said commissioners—both the original appointments and all subsequent appointments—that at all times one of said commissioners shall represent the interests of the employing class and one of said commissioners shall represent the interests of the employed class and the third of said commissioners shall be one who will be fair and impartial between employers and employees and work for the best interests of the public as a whole.

SEC. 6669. *Organization.*—The first commissioners appointed under this act shall, within twenty days after their appointment, meet and organize said commission by electing one of their number as chairman thereof and by choosing a secretary of said commission; and by or before the 10th day of January of each year, beginning with the year 1914, said commissioners shall elect a chairman and choose a secretary for the ensuing year. Each such chairman and each such secretary shall hold his or her position until his or her successor is elected or chosen; but said commission may at any time remove any secretary chosen hereunder. Said secretary shall not be a commissioner; and said secretary shall perform such duties as may be prescribed and receive such salary as may be fixed by said commission. None of said commissioners shall receive any salary as such. All authorized and necessary expenses of said commission and all authorized and necessary expenditures incurred by said commission shall be audited and paid as other State expenses and expenditures are audited and paid.

SEC. 6670. *Duties.*—Said commission is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things: (a) Standards of hours of employment for women or for minors and what are unreasonably long hours for women or for minors in any occupation within the State of Oregon; (b) Standards of conditions of labor for women or for minors in any occupation within the State of Oregon and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women or of minors in any such occupation; (c) Standards of minimum wages for women in any occupation within the State of Oregon and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health; and (d) Standards of minimum wages for minors in any occupation within the State of Oregon and what wages are unreasonably low for any such minor workers.

SEC. 6671. *Investigations.*—Said commission shall have full power and authority to investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in the different occupations in which they are employed in the State of Oregon; and said commission shall have full power and authority, either through any authorized representative or any commissioner to inspect and examine any and all books and pay rolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of wages or hours of labor or conditions of labor of any such women workers or minor workers in any of said occupations and to require from any such employer full and true statements of the wages paid to and the hours of labor of and the conditions of labor of all women and minors in his employment.

SEC. 6672. *Meetings; hearings.*—Said commission may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said commission may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said commission shall have power to subpœna and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpœnaed by said commission shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the circuit court of Multnomah County.

SEC. 6673. *Injurious conditions.*—If, after investigation, said commission is of opinion that any substantial number of women workers in any occupation are working unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving wages inadequate to supply them with the necessary cost of living and maintain them in health, said commission may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said commission and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more commissioners. Said commission shall name and appoint all the members of such conference and designate the chairman thereof. Said commission shall present to such conference all information and evidence in the possession or under the control of said commission which relates to the subject of the inquiry by such conference; and said commission shall cause to be brought before such conference any witnesses whose testimony said commission deems material to the subject of the inquiry by such conference. After completing its consideration of and inquiry into the subject submitted to it by said commission, such conference shall make and transmit to said commission a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to wit: (a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers; (b) Standards of conditions of labor for women workers and what surroundings or conditions—sanitary or otherwise—are detrimental to the health or morals of women workers; (c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health. In its recommendations on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health; and in its recommendations on a question of wages such conference shall, when it appears proper or necessary, recommend suitable minimum wages for learners and apprentices and the maximum length of time any woman worker may be kept at such wages as a learner or apprentice, which said wages shall be less than the regular minimum wages recommended for the regular women workers in the occupation under inquiry. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such a two-thirds on any subject submitted shall be deemed the decision or recommendations or report of such conference.

SEC. 6674. *Powers of commission.*—Upon receipt of any report from any conference said commission shall consider and review the recommendations contained in said report; and said commission may approve any or all of said recommendations or disapprove any or all of said recommendations; and said commission may resubmit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said commission approves any recommendations contained in any report from any conference, said commission shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in Multnomah County, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said commission may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After such order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any

of the terms of provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at lower wages than are authorized or permitted by said order. Said commission shall, as far as is practicable, mail a copy of any such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said commission shall authorize or permit the employment of any woman for more hours per day or per week than the maximum now fixed by law.

Provided, however, That in case of emergencies which may arise in the conduct of any industry or occupation overtime may be permitted under conditions and rules which the commission after investigation, shall determine and prescribe by order and which shall apply equally to all employers in such industry or occupation.

SEC. 6675. *Minors.*—Said commission may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said commission has made such determination, it may issue an obligatory order in the manner provided for in section 6674; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said commission shall authorize or permit the employment of any minor for more hours per day or per week than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

SEC. 6676. *Definition.*—The word "occupation" as used in this act shall be so construed as to include any and every vocation and pursuit and trade and industry. Any conference may make a separate inquiry into and report on any branch of any occupation; and said commission may make a separate order affecting any branch of any occupation. Any conference may make different recommendations and said commission may make different orders for the same occupation in different localities in the State when, in the judgment of such conference or said commission, different conditions in different localities justify such different recommendations or different orders.

SEC. 6677. *Prosecutions.*—Said commission shall, from time to time, investigate and ascertain whether or not employers in the State of Oregon are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

SEC. 6678. *Duties of officials.*—The "commissioner of labor statistics and inspector of factories and workshops" and the several officers of the "board of inspection of child labor" shall, at any and all times, give to said commission any information or statistics in their respective offices that would assist said commission in carrying out this act and render such assistance to said commission as may not be inconsistent with the performance of their respective official duties.

SEC. 6679. *Rules.*—Said commission is hereby authorized and empowered to prepare and adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this act, including rules and regulations for the selection of members and the mode of procedure of conferences.

SEC. 6680. *Appeals.*—All questions of fact arising under the foregoing provisions of this act shall, except as otherwise herein provided, be determined by said commission, and there shall be no appeal from the decision of said commission on any such question of fact; but there shall be a right of appeal from said commission to the Circuit Court of the State of Oregon for Multnomah County from any ruling or holding on a question of law included in or embodied in any decision or order of said commission, and, on the same question of law, from said circuit court to the Supreme Court of the State of Oregon. In all such appeals the attorney general shall appear for and represent said commission.

SEC. 6681. *Register of women and children employed.*—Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any commissioner or any authorized representative of said commission to inspect and examine such register. The word "minor," as used in this act, refers to and means any person of either sex under the age of eighteen years; and the word "women," as used

in this act, refers to and means a female person of or over the age of eighteen years.

SEC. 6682. *Hours of labor.*—It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State of Oregon under such surroundings or conditions—sanitary or otherwise—as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

SEC. 6683. *Special license.*—For any occupation in which only a minimum time rate wage has been established, said commission may issue to a woman physically defective or crippled by age or otherwise a special license authorizing her employment at such wage less than said minimum time rate wage as shall be fixed by said commission and stated in said license.

SEC. 6684. *Violations.*—[Penalty for violations is a fine, $25 to $100, or imprisonment not less than 10 days nor more than 3 months, or both.]

SEC. 6685. *Discharge of employees.*—Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five ($25.00) dollars nor more than one hundred ($100.00) dollars.

SEC. 6686. *Actions by woman employees.*—If any woman worker shall be paid by her employer less than the minimum wage to which she is entitled under or by virtue of any order of said commission, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorney's fees as may be allowed by the court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

SEC. 6687. *Report.*—Said commission shall, on or before the first day of January of the year 1915 and of each second year thereafter, make a succinct report to the governor and legislature of its work and the proceedings under this act during the preceding two years.

SEC. 6688. *Canneries, etc.*—In so far as section 6688 to 6687 confer authority upon the industrial welfare commission to regulate the hours of employment for women engaged in harvesting, packing, curing, canning or drying any variety of perishable fruit, vegetables, or fish, they are hereby repealed.

SEC. 6689. *Ten-hour day.*—No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in this State more than ten hours during any one day, or more than sixty hours in one week. The hours of work may be so arranged as to permit the employment of females at any one time so that they shall not work more than ten hours during the twenty-four hours of one day or sixty hours during any one week: *Provided, however,* That the provisions of this section in relation to the hours of employment shall not apply to nor affect females employed in harvesting, packing, curing, canning or drying any variety of perishable fruit, vegetable or fish: *Provided further,* They be paid time and a half for time over ten hours per day when employed in canneries or driers or packing plants: *Provided, also,* that pieceworkers shall be paid one and a half the regular prices for all work done during the time they are employed over ten hours per day.

SEC. 6690. *Seats to be provided.*—Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

SEC. 6691. *Violations.*—[Fines of not less than $25 nor more than $100 are penalties for violations.]

Employment of children—General provisions

SECTION 6692. *Age.*—[Employment under 14 is forbidden in or in connection with factories, workshops, mercantile establishments, stores, offices, restau-

rants, bakeries, hotels, and apartment houses; and under 16 in telegraph, telephone, or messenger service.]

SEC. 6693. *School hours.*—[No employment for wages is permitted during school hours for children under 14.]

SEC. 6694. *School attendance.*—[Attendance up to 16 years of age is required of all children not legally employed.]

SEC. 6695. *Work time.*—[Work of children under 16 is forbidden between 6 p. m. and 7 a. m., or for more than 10 hours per day or 6 days per week. Meal time of 30 minutes must be allowed at noon. Notice of working hours must be posted in all workrooms.]

SECS. 6696–6699. *Certificates.*—[Children under 16 may not be employed without an age and schooling certificate, showing literacy and physical ability for the work contemplated. This is issued by the inspection authorities, and must be accessible to the local school authorities.]

SEC. 6700. *Violations.*—[Failure to produce the certificate is prima facie evidence of violation. Penalties range from $5 to $50 fines.]

SEC. 6701. *Enforcement.*—[Child labor inspectors may visit establishments and require the production of all certificates.]

SECS. 6702, 6703. *Violations.*—[Employers violating the act may be fined $10 to $25 for a first offense, $25 to $50 for a second, and for subsequent offenses be imprisoned 10 to 30 days. Parents or guardians may be fined $5 to $25.]

SEC. 6704. *Vacation permits.*—[Children 12 to 14 years of age may secure permits for vacation employment not injurious to their physical and moral welfare.]

SEC. 6705. *Board of inspectors.*—[An unsalaried board of inspectors, appointed in rotation for terms of five years, of whom 3 must be women, is provided for. A secretary at a salary of $1,500 may be employed.]

SEC. 6706. *Messengers, etc.*—[No minor under 18 may act as messenger or in delivery service between 10 p. m. and 5 a. m.]

Hours of labor in factories, etc.

SECTION 6708 (as amended 1923, ch. 122). *Ten hours; eight hours.*—It is the public policy of the State of Oregon that no person shall be hired, nor permitted to work for wages, under any conditions or terms, for longer hours or days of service than is consistent with his health and well-being and ability to promote the general welfare of his increasing usefulness as a healthy and intelligent citizen. It is hereby declared that the working of any person more than ten hours in one day in any mill, factory, or manufacturing establishment, or the working of any person more than eight hours, exclusive of one hour, more or less, in one day, or more than forty-eight (48) hours in one calendar week, in sawmills, planing mills, shingle mills, and logging camps is injurious to the physical health and well-being of such person, and tends to prevent him from acquiring that degree of intelligence that is necessary to make him a useful and desirable citizen of the State.

SEC. 6709 (as amended 1923, ch. 122). *Overtime.*—No person shall be employed in any mill, factory, or manufacturing establishment in this State more than ten hours in any one day, or in sawmills, planing mills, shingle mills, and logging camps more than eight hours, exclusive of one hour, more or less, in one day, or more than forty-eight (48) hours in one calendar week, except logging train crews, watchmen, firemen, and persons engaged in the transportation, of men to and from work, and employees when engaged in making necessary repairs, or in the case of emergency where life and property is [are] in imminent danger: *Provided, however,* Employees may work overtime not to exceed three hours in one day, conditioned that payment be made for said overtime at the rate of time and one-half the regular wage. The provisions of this section shall not apply to persons employed in the care of quarters or live stock, conducting mess halls, superintendence and direction of work, or to the loading and removal of the finished forest product.

SEC. 6710 (as amended 1923, ch. 122). *Act in effect.*—Any employer who shall require or permit any person to work in any of the places mentioned in section 6709 more than the hours in said section provided for, during any day of twenty-four (24) hours, or who shall permit or suffer any overseer, superintendent, or other agent of such employee to violate any of the provisions of this act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined for such offense not less than fifty dollars ($50) nor more than five hundred dollars ($500): *Provided,* That every day's violation of this act or

any part thereof shall be deemed a separate offense: *And provided further*, That this act shall not be enforced is so far as same relates to working hours in sawmills, planing mills, shingle mills, and logging camps until laws containing like provisions regarding working hours in such places of employment in the States of California, Washington, and Idaho shall become effective in each of the said States, respectively.

Logging engineers, etc.—Age limit

SECTION 6711. *Eighteen years, minimum.*—It shall be unlawful for any person, firm, or corporation to employ or allow any person under the age of eighteen years to act as engineer of or have charge of or operate any logging engine or engines used in logging operations, or to employ or allow any person under the age of sixteen years to act in the capacity of giving signals to the engineer in logging operations or receiving and forwarding such signals. Any person, firm, or corporation, and the agent, manager, or superintendent thereof, violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10) nor more than one hundred dollars ($100), or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment.

SEC. 6712. *Elevators.*—No person, firm, or corporation shall employ or allow any person under the age of eighteen (18) years to run, operate, or have charge of, any elevator used for the purpose of carrying either persons or property.

SEC. 6713. *Violations.*—[Fines of from $10 to $100, or imprisonment 30 days to 6 months, or both, are penalties for violations.]

Hours of labor in mines

SECTION 6716. *Limit of eight hours in mines.*—No person who operates any underground mine yielding gold or silver or copper or lead or other metal shall permit or require any person to work in such underground mine for more than eight hours in any twenty-four hours, and the hours of employment in such employment or workday shall be consecutive excluding, however, any intermission of time for lunch or meals; but, in the case of emergency, where life or property is in imminent danger, persons may work in such underground mines for a longer time during the continuance of the exigency or emergency. This act shall not apply to mines in their first stages of development, such as tunnel work to a length of two hundred feet, or shaft work to a depth of one hundred and fifty feet, or to any surface excavation.

SEC. 6717. *Violations.*—[Fines of from $50 to $300, or imprisonment 30 days to 3 months, or both, are fixed for violations.]

Employment of labor on public works—Hours of labor

SECTION 6718 (as amended 1923, ch. 24). *Terms of contract.*— * * * Every such contract [for public works] shall contain a condition that no person shall be employed for more than eight hours in any one day, or forty-eight hours in any one week, unless in case of emergency, when no other competent labor is available, and in such cases such laborer shall be paid double wages for all overtime, * * *

SEC. 6721. *Hours.*—In all cases where labor is employed by the State, county, school district, municipality, municipal corporation or subdivision, either directly or through another, as a contractor, no person shall be required or permitted to labor, except as hereinafter provided, more than eight hours in any one day, or forty-eight hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it, in which event the person or persons so employed for excessive hours shall receive double pay for the overtime so employed; and no emergency, necessity or public policy shall be presumed to exist when other labor of like skill and efficiency, which has not been employed full time, is available: *Provided, however*, That the provisions of this section shall not apply to State institutions and departments: *And provided further*, That in the operation or repair of any plant owned or operated by any municipality of this State in any city or town having a population of not more than one thousand inhabitants, any person hereinbefore mentioned may be permitted to labor more than eight hours in any one day, but not more than fifty-six hours in any one week.

SEC. 6722. *Eight hours a day's labor.*—Eight hours shall constitute a day's labor in all cases where the State, county, school district, or any municipality, municipal corporation or subdivision is the employer of the labor, either directly or indirectly, by contract with another.

SEC. 6723. *Violations.*—[Fines of from $50 to $1,000, or imprisonment 5 days to 1 year, or both, are penalties for violations.]

Private employment offices

SECTION 6725. *Agencies.*—[Persons furnishing information as to employment for pay are agents, if for males and females, "general employment agents," if for females only, "female employment agents."]

SEC. 6726. *Licenses; bonds.*—[Licenses must be procured from the commissioner of labor statistics, application to be made at least 30 days in advance, with affidavits of 10 freeholders as to character and ability. Bonds conditioned on observance of the law and to cover damages due to violations or to fraud are also required.]

SEC. 6727. *Fees.*—[The limit on fees ranges from 5 per cent of one month's wages for females receiving not over $50 per month or for males receiving not over $60 per month to a maximum of $7.50 for either sex. Board is not to be counted as salary or wages in this respect.]

SEC. 6728. *License fees; bonds.*—[The fee for a license ranges from $2.50 in cities of less than 2,500 inhabitants to $50 in cities of 150,000 population and above. The amount of bond required similarly ranges from $100 to $1,000.]

SEC. 6729. *Receipts; records.*—[Receipts must be given, of a prescribed form, for all sums paid an agent, showing amount, situation secured, wages, cost of board, etc.; also a statement as to the return of the fee. Records must be kept of the names of applicant, employment furnished, fees received, etc.]

SEC. 6730. *Civil liability.*—[An applicant sent to a place where no employment exists, or the place has been filled, is entitled to return of fee and of cost of transportation; if discharged within two days, to return of fee; and if within six days, to return of one-half the fee, unless the ticket showed employment for six days or less. No return is due if the applicant voluntarily refused the employment or was discharged for intoxication or other good cause.]

SEC. 6731. *Employers.*—[Employers refusing labor supplied on request, or discharging such labor without cause, are liable to the agent and the applicant for damages sustained. The applicant may proceed against either the employer or the agent.]

SEC. 6732. *Indorsement of receipts.*—[A form printed on the back of the receipt given the applicant must be filled out by the employer if he does not employ the applicant, or discharges him within six days, stating the reasons therefor.]

SEC. 6733. *Criminal liability.*—[Splitting fees with an employer or his agent is forbidden; also sending an applicant on information known to be incorrect or not stated in the receipt, or for employers to refuse applicants furnished them on order, or to order help on information known to be incorrect. Penalties are fines of $25 to $200, or imprisonment, 5 to 60 days.]

SEC. 6734. *Exemptions.*—[The act does not apply where no fee is charged, or to teachers', professional or clerical agencies.]

SEC. 6735. *Administration.*—[The commissioner of labor statistics may make needed rules and provide forms necessary for carrying out the act.]

SEC. 6736. *Revocation of license.*—[Licenses may be revoked for continued willful violations of the act.]

SEC. 6737. *Appeals.*—[Appeals lie to the courts in case a person aggrieved by a decision of the commissioner of labor statistics wishes to appeal, giving proper notice and bond.]

Factory, etc., regulations—Standards of safety

SECTION 6738. *Belt shifters, guards, etc.*—Any person, firm, corporation, or association operating a factory, mill or workshop where machinery is used, shall provide and maintain in use belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all

vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, beltings, shafting, coupling, set screw, live rollers, conveyors, mangles in laundries, and machinery of other or similar descriptions, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine, or any part thereof, is in a defective condition and its operation would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act [secs. 6738–6755], the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

SEC. 6739. *Ventilation.*—Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purpose of gain within an enclosed room (private houses in which the employees live, excepted) shall be provided in each workroom thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust, or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill, or workshop any process is carried on in any enclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

SEC. 6740. *Hoistways, etc.*—The openings of all hoistways, hatchways, elevators, and wellholes and stairways in factories, mills, workshops, storehouses, warerooms, or stores, shall be protected, where practicable, by good and sufficient trapdoors, hatches, fences, gates, or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

SEC. 6741. *Annual inspections.*—It shall be the duty of the labor commissioner, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores, and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, as hereinafter provided.

SEC. 6742. *Requests for inspection.*—Any person, firm, corporation, or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said labor commissioner to inspect any factory, mill, or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said labor commissioner, by himself or his deputy, shall forthwith make said inspection. Upon receiving such application the labor commissioner shall issue to the person making the same an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment by said labor commissioner, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said labor commissioner.

SEC. 6743. *Duty of employees.*—Any employee of any person, firm, corporation or association shall notify his employer of any defect in or failure to guard the machinery, appliances, ways, works, and plants, with which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects then said employee may complain in writing to the labor commissioner of any such alleged defects in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employee is working, and upon receiving such complaint, it shall be the duty of the labor

commissioner, by himself, or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

SEC. 6744. *Certificate of inspection.*—Whenever upon any examination or reexamination of any factory, mill, or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform, in the judgment of said labor commissioner, to the requirements of this act, he shall thereupon issue to the owner, lessee, or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force, of compliance on the part of the person, firm, corporation, or association to whom it is issued, with the provisions of this act. Such certificates may be revoked by said labor commissioner at any time upon written notice to the person, firm, corporation, or association holding the same, whenever in his opinion, after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or stores to which the provisions of this act are applicable.

SEC. 6745. *Notice of defects.*—If, in the judgment of said labor commissioner, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said labor commissioner, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with, within a period of thirty days after said requirements have been served as aforesaid, the said labor commissioner shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances, or occupying such premises, shall consider the requirements of said labor commissioner unreasonable and impracticable or unnecessarily expensive, he may, within ten days after the requirements of said labor commissioner have been served upon him, appeal therefrom or from any part thereof, to three arbitrators, to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the labor commissioner.

SEC. 6746. *Arbitration of appeal.*—Such appeals shall be in writing, addressed to the labor commissioner, and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon receipt of such notice of appeal, it shall be the duty of the labor commissioner to appoint a competent person as arbitrator, resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause for arbitration, and the place, date and time of meeting. These two arbitrators shall select a third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators, by a majority vote, shall be reported to the labor commissioner, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said labor commissioner or any part thereof, said applicant shall, within thirty days, comply with the findings of said arbitrators, and thereupon said labor commissioner shall issue his certificate as hereinbefore provided in section 6741; but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said labor commissioner; and any such person, firm, corporation, or association shall, within thirty days after the findings of the board of arbitrators, comply with the requirements of the labor commissioner, as amended by said arbitrators, if so amended as herein provided for, and thereupon said labor commissioner shall forthwith issue to any such person, firm, corporation, or association his certificate as provided for in section 6741.

SEC. 6747. *Fee to be paid.*—The labor commissioner shall not issue any certificate of inspection to any person, firm, corporation, or association who has not paid for that year the inspection fee herein provided for. Every person, firm, corporation and association being the owner, operator lessee or occupant of any factory, mill, workshop, storehouse, wareroom, or store coming within

the provisions of this act, shall pay to the State treasurer, and take his receipt therefor, an annual inspection fee, determined as follows: For each place of business operated by him and which may be inspected under the provisions of this act in which are employed two persons or less, $2; not less than three nor more than seven persons, $5; not less than eight nor more than twenty persons, $10; not less than twenty-one nor more than forty persons, $15; more than forty persons, $20. Any person, firm, corporation or association whose factory, mill, workshop, storehouse, wareroom or store, etc., which, on account of the nature of the business, is not operated more than four months during the year shall not be required to pay more than $10, regardless of the number of persons employed: *Provided, however*, the provisions of this act shall not apply to plants of any kind which use not to exceed two horse-power.

Sec. 6748. *Fee a debt.*—The payment of such annual inspection fee by every such person, firm, corporation, and association, shall constitute an obligation in favor of the State and shall be a debt due and owing by every such person, firm, corporation, and association, to the State from and after the time of the first inspection, herein provided for and annually thereafter, and the collection of the same shall be enforced by the labor commissioner, or his duly appointed deputy.

If any such person, firm, corporation or association shall fail to pay in full within thirty days of the service of a written demand therefor from the labor commissioner or his duly appointed deputy, and [any] such inspection fee or fees due and owing to the State of Oregon, such person, firm, corporation or association shall be liable to a penalty equal to the amount of such lawful fee or fees. Said penalty shall be in debt due and owing by such person, firm, corporation or association, to the State of Oregon and shall be collected in the same action in which the fees upon which said penalty is based are collected. The prosecuting attorney of any county, upon request of the labor commissioner, shall immediately institute or prosecute an action or proceeding for the collection of such annual inspection fees and penalties from any such person, firm, corporation or association, upon whom service of summons may be had within the county in which such prosecuting attorney was elected.

Sec. 6749. *Fee covers one year's inspections.*—The State treasurer shall issue his receipt for all moneys so received. Upon presentation of said receipt to said labor commissioner and compliance with the requirements of the labor commissioner and the provisions of this act, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom or store, and the machinery and appliances contained in any such premises, owned or operated by the party paying said fee, that may be necessary, for a period of one year subsequent to the time when its payment becomes due, and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury, and be converted into a special factory inspection fund: *Provided, however*, That all sums in excess of three thousand dollars ($3,000) remaining in said fund at the end of each fiscal year shall be transferred to the general fund.

Sec. 6750 (as amended 1921, ch. 244). *Salaries.*—The salaries of the deputy labor commissioners, required to enforce the provisions of this act, shall be in such amounts as the labor commissioner shall designate, but at no time shall they be higher than the going wages paid to mechanics of like skill and ability, and in no event shall the wages or salary of any such deputy exceed the sum of $150 in any single month, and they shall be paid in the same manner as the salaries of other State officers are paid, which salaries and expenses of such deputy labor commissioners and the salaries of not more than two clerks or stenographers, whom the labor commissioner is hereby authorized to employ, in his discretion, and all other expenses of every kind incurred in carrying out the provisions of this act, shall be paid from the special factory inspection fund in the same manner as other State salaries and expenses are paid, for which purpose said fund is hereby permanently appropriated.

Sec. 6751. *Violations.*—Any person, firm, corporation, or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, and such violation or omission shall be the approximate cause of any injury to any employee, shall be liable in damages to any employee who sustains injuries by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or [on] account of injuries re-

ceived by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of $7,500.

SEC. 6752. *Action.*—No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place, and cause of injury is given to the employer within six months and the action is commenced within one year from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give the same within ninety days after such incapacity is removed; and in case of his death without having given notice because of mental or physical incapacity, his executor or administrator may give such notice within thirty days after his appointment.

SEC. 6753. *Penalty.*—Any person, firm, corporation, or association who violates or fails to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100.

SEC. 6754. *Law to be posted.*—A copy of this act, together with the name and address of the labor commissioner, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom, or store, and at the office of every public and private work to which the provisions of this act are applicable. The labor commissioners shall supply such operators, owners, lessees, or occupants with a sufficient number of said copies to enable such persons to comply with this section.

SEC. 6755. *Definition.*—Wherever in this act [secs. 6738–6755] the term "labor commissioner" or "commissioner of labor" is used, it shall be understood to mean the commissioner of labor statistics and inspector of factories and workshops.

SEC. 6756. *Definitions.*—The following terms, as used in the various sections of this act [secs. 6756–6764], shall be construed as follows:

(a) The phrase "place of employment" shall mean and include every place, whether indoors or out, or underground, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly, relating to any industry, trade, or business is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(b) The term "owner" shall mean and include every person, firm, corporation, State, county, town, city, village, manager, representative, officer, or other person having ownership, control, or custody of any place of employment or of the construction, repair, or maintenance of the buildings of any such place of employment or who prepares the plans for the construction of any place of employment.

SEC. 6757. *Lighting required.*—All passageways and other portions of places of employment, and all moving parts of machinery which are not so guarded as to prevent accidents, where, on or about which persons work or pass or may have to work or pass in emergencies, shall be kept properly and sufficiently lighted during working hours. The halls and stairs leading to the workrooms shall be properly and adequately lighted, and a proper and adequate light shall be kept burning by the owner or lessee in the public hallways near the stairs, upon the entrance floor, and upon the other floors on every workday in the year, from the time when the building is open for use in the morning until the time it is closed in the evening, except in times when the influx of natural light shall make artificial light unnecessary. Such lights shall be so arranged as to insure their reliable operation when through accident or other cause the regular factory or workshop lighting is extinguished.

SEC. 6758. *Workrooms.*—All workrooms in any place of employment shall be properly and adequately lighted during working hours. Artificial illuminants in every workroom shall be installed, arranged, and used so that the light furnished will at all times be sufficient and adequate for the work carried on therein, and so as to prevent unnecessary strain on the vision, or glare in the eyes of the workers.

SEC. 6759. *Schedule.*—Working or traversed spaces in all places of employment as defined in this act shall be supplied during the time of use with artificial light in accordance with a schedule of minimum values which shall be de-

termined as hereinafter specified, and when the natural light is less than the intensity so determined, the artificial light must be used.

SEC. 6760. *Lamps.*—Lamps must be so located or suitably shaded as to minimize glare.

SEC. 6761. *Distribution of light.*—All lamps and lighting appliances must be so installed in regard to height, spacing, reflectors or other accessories as to secure a good distribution of light on the work, avoiding objectionable shadows and sharp contrasts of intensity. Emergency lamps shall be provided in the main aisles and in all stairways, passageways, and exits so as to afford sufficient guidance to provide the safe exit from said places of employment in case of emergency. Such lamps shall be in operation concurrently with the lighting, and independent thereof.

SEC. 6762. *Switch apparatus.*—The switching and controlling apparatus shall be so placed that at least pilot or night lights may be turned on at the main points of entrance.

SEC. 6763. *Power of commissioner of labor.*—The commissioner of labor and inspector of factories and workshops of the State of Oregon is hereby authorized to establish certain minimum values for lighting, which shall be deemed proper and adequate in accordance with the conditions set forth in this act. In arriving at what values shall be used in this schedule of minimum lighting, and such other rules as shall determine definitely what shall constitute compliance with the provisions of this act, he shall be guided by the best engineering practice as set forth in the recommendations of the "illuminating engineering society." Before such schedule and rules, however, shall become effective, the commissioner of labor must, upon his own motion, appoint a commission of three persons, one to represent the manufacturing interests, one to represent the operating electrical workers, and one must be an electrical engineer. Notice of the public meetings of such commission shall be published in the leading newspapers of each county in the State, giving the time, place, and purpose of such meetings. The commission shall have power, after holding these public meetings, to establish, to rearrange or to readjust the schedule of lighting values and rules as above set forth. These rulings or readjustments shall then become effective, thirty days after they have been made, and the commissioner of labor shall serve notice, in writing or by publication in the leading newspapers of each county in the State, of the rulings thus made and of the date upon which they become effective.

SEC. 6764. *Violations.*—[Failure to comply with these provisions within 30 days after receiving notice, entails a fine not exceeding $50, each day constituting a separate offense.]

SEC. 6765. *Duty of employers.*—Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein, and shall furnish and use such safety devices and safeguards, and shall adopt and use such practices, means, methods, operations, and processes as are reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 6766. *Unsafe places.*—No employer, owner, or lessee of any real property in this state shall construct or cause to be constructed or maintained, any place of employment that is not safe.

SEC. 6767. *Removing guards.*—No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of such employees.

SEC. 6768. *Power of commission.*—The commission is vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment and place of employment to be safe, and requiring the protection of the life and safety of every employee in such employment or place or employment. The commission is vested with full power and authority to make, establish, promulgate and enforce all necessary and reasonable rules, regulations, and provisions for the purpose of carrying into effect the provisions of this act

and in reference to the investigation of all violations hereof and fixing and setting the time and place for all hearings which may be necessary or expedient for the purpose of carrying into effect the provisions hereof, and shall have the power to issue and subpœna witnesses, to administer oaths, to take depositions and fix the fees and mileage of witnesses and to compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing, or proceeding in any part of the State, and the commission shall provide for defraying the expenses thereof. The commission, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpœna, may report to the circuit court in and for the county in which the proceeding is pending, by petition setting forth that due notice has been given of the time and place of attendance of said witness, or the production of said papers and that the witness has been subpœnaed in the manner prescribed and that the witness has failed and refused to attend or produce the papers required by the subpœna or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court to compel the witness to attend and testify or produce said papers before the commission.

The court, upon the petition of the commission or any member thereof, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten days from the date of the order, and then and there show cause why he has not attended and testified or produced said papers before the commission or any member thereof. A copy of said order shall be served upon said witness. If it is apparent to the court that said subpœna was regularly issued by the commission or member thereof, the court shall thereupon enter an order that said witness appear before the commission or member thereof at a time and place to be fixed in such order, and testify and produce the required papers and upon failure to obey said order said witness shall be dealt with as for contempt of court.

The commission is hereby vested with full power, authority, and jurisdiction to do and perform any and all things whether herein specifically designated or in addition thereto which are necessary or convenient in the exercise of any power or authority or jurisdiction conferred upon it under this act.

SEC. 6769. *Fixing standards.*—The commission shall have power, after a hearing had upon its own motion or upon complaint, by general or special orders, rules, and regulations, or otherwise—

(1) To declare and prescribe what safety devices, safeguards or other means or methods of protection are well adapted to render the employees of every employment and place of employment safe as required by law or lawful order.

(2) To fix reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life and safety of employees in employment and places of employment.

(3) To fix and order such reasonable standards for the construction, repair and maintenance of places of employment and equipment as shall render them safe.

(4) To require the performance of any other act which the protection of the life and safety of employees in employments and places of employment may demand.

SEC. 6770. *Hearings.*—Upon the fixing of a time and place for the holding of a hearing for the purpose of considering and issuing a general safety order or orders as authorized by section 6769 the commission shall cause a notice of such hearing to be published in one or more daily newspapers of general circulation published and circulated in the city of Portland, Multnomah County, Oregon, and in such other papers of general circulation in the State of Oregon and published therein as the commission may deem expedient. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any general order issued by the commission after hearing had.

SEC. 6771. *Orders.*—Whenever the commission, after a hearing had upon its own motion or upon complaint, shall find that any employment or place of employment is not safe or that the practices or means or methods or operations or processes employed or used in connection therewith are unsafe, or do not afford adequate protection to the life and safety of employees in such

employments and places of employment, the commission shall make and enter and serve such order relative thereto as may be necessary to render such employment or place of employment safe and protect the life and safety of employees in such employment and places of employment, and may in said order direct that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished, provided and used, as are reasonably required to render such employment or place of employment safe, in the manner and within the time specified in said order.

SEC. 6772. *Time for compliance.*—The commission may, upon application of any employer, or other person affected thereby, grant such time as may reasonably be necessary for compliance with any order, and any person affected by such order may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

SEC. 6773. *Orders, etc., to be obeyed.*—Every employer, employee, and other person shall obey and comply with each and every requirement of every order, decision, direction, rule, or regulation made or prescribed by the commission in connection with the matters herein specified, or in any way relating to or affecting safety of employments or places of employment, or to protect the life and safety of employees in such employments or places of employment, and shall do everything necessary or proper in order to secure compliance with and observance of every such order, decision, direction, rule, or regulation.

SEC. 6774. *Rehearings.*—(a) Any party or person aggrieved directly or indirectly by any final order, decision, rule, or regulation of the commission, made or entered under any provision contained in this act [secs. 6765–6783], may apply to the commission for a rehearing in respect to any matters determined or covered by such final order, decision, rule, or regulation and specified in the application for rehearing within the time and in the manner hereinafter specified, and not otherwise.

(b) No cause of action arising out of any such final order, or decision, shall accrue in any court to any person until and unless such person shall have made application for such rehearing and such application shall have been granted or denied: *Provided*, That nothing herein contained shall be construed to prevent the enforcement of any such final order, decision, rule, or regulation in the manner provided in this act.

(c) Such application shall set forth specifically and in full detail the grounds upon which the applicant considers said final order, decision, rule, or regulation is unjust or unlawful, and every issue to be considered by the commission. Such application must be verified upon oath in the same manner as required for verified pleadings in the courts of record and must contain a general statement of any evidence or other matters upon which the applicant relies in support thereof. The applicant for such hearing shall be deemed to have finally waived all objections, irregularities, and illegalities concerning the matter upon which such rehearing is sought other than those set forth in the application for such rehearing.

(d) A copy of such application for rehearing shall be served forthwith on all adverse parties, if any, and any such adverse party may file an answer thereto within ten days thereafter. Such answer must likewise be verified. If there are no adverse parties, such application may be heard ex parte, or the commission may require the application for rehearing to be served on such parties as may be designated by it.

(e) Upon filing of an application for a rehearing, if the issues raised thereby have theretofore been adequately considered by the commission, it may determine the same by confirming, without hearing, its previous determination, or if a rehearing is necessary to determine the issues raised, or any one or more of such issues, the commission shall order a rehearing thereon and consider and determine the matter or matters raised by such application. Notice of the time and place of such rehearing shall be given to the applicant and the adverse parties, if any, and to such other persons as the commission may order.

(f) If after such rehearing and a consideration of all the facts, including those arising since the making of the order, or decision involved, the commission shall be of the opinion that the original order, or decision or any part thereof, is in any respect unjust or unwarranted, or should be changed, the commission shall abrogate, change or modify the same. An order, or decision, made after such rehearing, abrogating, changing or modifying the original order or decision shall have the same force and effect as an original order or decision, but shall not affect any right or the enforcement of any right arising from or by virtue of the original order or decision unless so ordered by the

commission. An application for a rehearing shall be deemed to have been denied by the commission unless it shall have been acted upon within thirty days from the date of filing: *Provided, however,* That the commission may upon good cause being shown therefor, extend the time within which it may act upon such application for rehearing for not exceeding thirty days.

SEC. 6775. *Review by courts.*—The orders of the commission, general or special, its rules or regulations, findings and decisions, made and entered under the safety provisions of this act, may be reviewed by the courts specified in sections 6775 and 6776 and within the time and in the manner therein specified and not otherwise.

SEC. 6776. *Appeals.*—(1) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days after the rendition of the decision on the rehearing, any party affected thereby may appeal to the circuit court of this State for the county in which is situated the place of employment complained of for the purpose of having the lawfulness of the original order or decision on the order or decision on rehearing inquired into and determined.

(b) It shall be sufficient to give the circuit court jurisdiction that a notice be filed with the clerk of said court to the effect that an appeal is taken to the circuit court from the order or decision of the commission and describing same sufficient for purposes of identification, the said notice to be signed by the party appealing or his attorney, and a copy thereof to be served by registered mail on the commission. Within ten days after the receipt of such notice the commission shall file with the clerk of said court the record of proceedings before the commission, including a transcript of the evidence and all evidence adduced upon the hearing and rehearing, if any, before the commission. The circuit court on application for good cause shown may extend the time within which the commission shall file such record, transcript and evidence. The cause shall be tried before the court in the same manner and as a suit in equity; *Provided, however,* That no new or additional evidence may be introduced in such court, but the cause shall be heard on the record to the commission as certified to by it. The appeal shall not be extended further than to determine whether or not:

(1) The commission acted without or in excess of its powers, or in violation of law.

(2) The order or decision was procured by fraud.

(3) The order, decision, rule or regulation is unreasonable.

(4) If findings of fact are made, whether or not such findings of fact support the order or decision under review.

(c) An appeal may be taken from the decree of the circuit court to the supreme court as in other civil cases.

SEC. 6777. *General powers.*—The commission shall have further power and authority:

(1) To cause lectures to be delivered, illustrated by stereopticon or other views, diagrams or pictures, for the information of employers and their employees and the general public in regard to the causes and prevention of industrial accidents, occupational diseases and related subjects.

(2) To appoint advisers who shall, without compensation, assist the commission in establishing standards of safety, and the commission may adopt and incorporate in its general orders such safety recommendations as it may receive from such advisers.

SEC. 6778. *Orders as evidence.*—Every order of the commission, general or special, its rules and regulations, findings and decisions, made and entered under the safety provisions of this act [secs. 6765–6783] shall be admissible as evidence in any prosecution for the violation of any of the said provisions and shall, in every such prosecution, be conclusively presumed to be reasonable and lawful and to fix a reasonable and proper standard and requirement of safety, unless, prior to the institution of the prosecution for such violation or violations, proceedings for a rehearing thereon or a review thereof shall have been instituted as provided in section 6776, and not then finally determined.

SEC. 6779. *Violations.*—[Any person violating sections 6765, 6766, and 6767 is guilty of a misdemeanor.]

SEC. 6780. *Violations.*—[Violation of sections 6765, 6766 and 6767, or any part thereof, is punishable by a fine of not more than $100 or imprisonment for not more than 6 months, or both, each day's continuance constituting a separate offense.]

SEC. 6781. *Expenses and fines.*—All expenses incurred by the commission under the provisions of this act shall be paid out of the industrial accident fund, and all fines imposed and collected under prosecutions for violations of the provisions of this act shall be paid into the industrial accident fund.

SEC. 6782. *Enforcement.*—It shall be the duty of the commissioner of labor statistics and inspector of factories and workshops to see that the general and special orders, rules and regulations of the commission are enforced, and he shall at any and all times give said commission any information that would assist said commission in carrying out the purposes of this act.

SEC. 6783. *Definition.*—Whenever in this act the term "commission" is used, it shall be understood to mean the State industrial accident commission.

Protection of employees on buildings, etc.—Employers' liability

SECTION 6785. *Scope of law.*—All owners, contractors, subcontractors, corporations, or persons whatsoever, engaged in the construction, repairing, alteration, removal, or painting of any building, bridge, viaduct, or other structure, or in the erection or operation of any machinery, or in the manufacture, transmission, and use of electricity, or in the manufacture or use of any dangerous appliance or substance, shall see that all metal, wood, rope, glass, rubber, gutta-percha, or other material whatever, shall be carefully selected and inspected and tested so as to detect any defects, and all scaffolding, staging, false work, or other temporary structure shall be constructed to bear four times the maximum weight to be sustained by said structure, and such structure shall not at any time be overloaded or overcrowded; and all scaffolding, staging, or other structure more than twenty feet from the ground or floor shall be secured from swaying and provided with a strong and efficient safety rail or other contrivance, so as to prevent any person from falling therefrom, and all dangerous machinery shall be securely covered and protected to the fullest extent that the proper operation of the machinery permits, and all shafts, wells, floor openings, and similar places of danger shall be enclosed, and all machinery other than that operated by hand power shall, whenever necessary for the safety of persons employed in or about the same or for the safety of the general public, be provided with a system of communication by means of signals, so that at all times there may be prompt and efficient communication between the employees or other persons and the operator of the motive power, and in the transmission and use of electricity of a dangerous voltage full and complete insulation shall be provided at all points where the public or the employees of the owner, contractor, or subcontractor transmitting or using said electricity are liable to come in contact with the wire, and dead wires shall not be mingled with live wires, nor strung upon the same support, and the arms or supports bearing live wires shall be especially designated by a color or other designation which is instantly apparent and live electrical wires carrying a dangerous voltage shall be strung at such distance from the poles or supports as to permit repair men to freely engage in their work without danger of shock; and generally, all owners, contractors, or subcontractors, and other persons having charge of, or responsible for, any work involving a risk or danger to the employees or the public, shall use every device, care, and precaution which it is practicable to use for the protection and safety of life and limb, limited only by the necessity for preserving the efficiency of the structure, machinery, or other apparatus or device, and without regard to the additional cost of suitable material or safety appliance and devices.

SEC. 6786. *Managers, etc.*—The manager, superintendent, foreman, or other person in charge or control of the construction or works or operation, or any part thereof, shall be held to be the agent of the employer in all suits for damages for death or injury suffered by an employee.

SEC. 6787. *Duty of owners, etc.*—It shall be the duty of owners, contractors, subcontractors, foremen, architects, or other persons having charge of the particular work, to see that the requirements of this act are complied with, and for any failure in this respect the person or persons delinquent shall, upon conviction of violating any of the provisions of this act, be fined not less than $10, nor more than $1,000, or imprisoned not less than ten days, nor more than one year, or both, in the discretion of the court, and this shall not affect or lessen the civil liability of such persons as the case may be.

SEC. 6788. *Right of action.*—If there shall be any loss of life by reason of the neglects or failures or violations of the provisions of this act by any owner,

contractor, or subcontractor, or any person liable under the provisions of this act, the widow of the person so killed, his lineal heirs or adopted children, or the husband, mother or father, as the case may be, shall have a right of action, without any limit as to the amount of damages which may be awarded: *Provided*, That if none of the persons entitled to maintain such action reside within the State of Oregon, then the executor or administrator of such deceased person shall have a right to maintain such action for their respective benefit in the order above named.

SEC. 6789. *Defense of fellow-service.*—In all actions brought to recover from an employer for injuries suffered by an employee the negligence of a fellow-servant shall not be a defense where the injury was caused or contributed to by any of the following causes, namely: Any defect in the structure, materials, works, plant or machinery of which the employer or his agent could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or other person in charge or control of the works, plant, machinery, or appliances; the incompetence or negligence of any person in charge of, or directing the particular work in which the employee was engaged at the time of the injury or death; the incompetence or negligence of any person to whose orders the employee was bound to conform and did conform and by reason of his having conformed thereto the injury or death resulted; the act of any fellow servant done in obedience to the rules, instructions or orders given by the employer or any other person who has authority to direct the doing of said act.

SEC. 6790. *Negligence to be measured.*—The contributory negligence of the person injured shall not be a defense, but may be taken into account by the jury in fixing the amount of the damage.

This statute imposes an absolute duty, for the violation of which the employer is penally as well as civilly liable, and the employee does not assume the risk of injury. 133 Pac. 351.

Deductions of wages for hospital, etc., funds

SECTION 6792. *Reports required.*—On the first day of * * * each July, all persons, firms, companies or corporations doing business in Oregon, which have been withholding or accepting any portion of the wages of any of their employees residing in Oregon for hospital or relief purposes, shall furnish the commissioner of labor statistics of the State of Oregon a full and complete list of all money so collected, from the first of the preceding July to date, and a full and complete list of all expenditures from the same fund for the same time.

SEC. 6793. *Exemption.*—The provisions of this act shall not apply to common carriers.

SEC. 6794. *Violations.*—Any person, firm, company or corporation, violating any of the provisions of this act, shall, upon conviction thereof, be fined not less than fifty dollars and not more than five hundred dollars for each offense.

Employment of labor—False representations

SECTION 6795. *Deception.*—Any person, firm, company, corporation, or association of any kind employing labor, who shall, either in person, or by or through any agent, manager, or other legal representatives, by any false or deceptive representation or false advertising, concerning the amount or character of the compensation to be paid for any work, or as to the existence or non-existence of a strike, lockout, or other labor troubles pending between employer or employees; or who shall neglect to state in such advertisement, proposal, or inducement for the employment of workmen that there is a strike, lockout, or unsettled condition of labor, when such strike, lockout, or unsettled condition of labor actually exists, shall induce, influence, persuade, or engage workmen to change from one place to another in this State; or who shall bring workmen of any class or calling into this State to work in any of the departments of labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $1,000, or confined in the county jail not exceeding one year, or both.

SEC. 6796. *Recovery.*—Any workmen of this State or any workmen of another State, who has [have been] or shall be influenced, induced, or persuaded to engage with any persons mentioned in section 6795, through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in

consequence of the false or deceptive representations, false advertising, and false pretenses used to induce him to change his place of employment against any person or persons, corporation, companies, or associations, directly or indirectly causing such damages; and, in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix to be taxed as costs in any judgment recovered.

Payment of wages—Scrip—Suits

SECTION 6797. *Orders, etc., to be negotiable.*—No person or corporation engaged in any business or enterprise of any kind in this State shall issue, in payment of or as evidence of indebtedness for wages due an employee, any order, check, memorandum, or other acknowledgment of indebtedness, unless the same is negotiable, and is payable without discount in cash on demand at some bank or other established place of business in the county where the same is issued; and such person or corporation shall, upon presentation and demand, pay any such order, check, memorandum, or other acknowledgment of indebtedness, in lawful money of the United States: *Provided, however*, That nothing herein contained shall in any way limit or interfere with the right of any such employee to accept from any such person or corporation, as an evidence or acknowledgment of indebtedness for wages due him, a negotiable instrument, payable at some future date with interest.

SEC. 6798. *Wages, when due.*—Whenever an employer discharges an employee, or where such employment is terminated by mutual agreement, all wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employee, not having a contract for a definite period, shall see fit to quit or resign his employment, all wages earned and unpaid at the time of such quitting or resignation shall become due and payable immediately: *Provided*, Such employee shall have given not less than three days' notice of his intention to quit his employment, and if such notice has not been so given then such wages shall be due and payable three days after such employee shall have so quit his employment; but when any number of employees enter upon a strike, the wages due such striking employees at the time of entering upon such strike shall not become due and payable until the next regular pay day after the commencement of such strike: *Provided*, That the time between the commencement of the strike and such next regular pay day does not exceed a period of thirty days, and if such time does exceed the period of thirty days then such wages shall be due and payable thirty days after the commencement of such strike.

SEC. 6799. *Suits for wages.*—In any action for the collection of any such order, check, memorandum or other acknowledgment of indebtedness, or in any action for the collection of wages, if it is shown that such order, check, memorandum or other acknowledgment of indebtedness, or said wages were not paid for a period of forty-eight hours after proper demand for the payment thereof, the court shall, upon entering judgment for the plaintiff, include in such judgment, in addition to the costs and disbursements otherwise prescribed by statute, a reasonable sum for attorney's fees for prosecuting said action, unless it shall appear that such employee has willfully violated his contract of employment: *Provided*, In case of an employee voluntarily quitting an employment, such employee shall have given not less than three days' notice of his intentions to quit his employment.

Labor organizations—Injunctions

SECTION 6814. *Unions lawful.*—It shall be lawful for working men and women to organize themselves into, or carry on labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations; or carrying out their legitimate purposes as freely as they could do if acting singly.

SEC. 6815. *Restriction on injunctions.*—No restraining order or injunction shall be granted by any court of this State, or any judge or judges thereof in any case between an employer and employee or between employer and employees or between employees or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right of the party making the application, for which injury

there is no adequate remedy at law, and such property or property rights must be described with particularity in the application, which must be in writing and sworn to by the applicant or his agent or attorney.

SEC. 6816. *Strikes.*—No restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from recommending, advising or persuading others by peaceful means so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any such person to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others by peaceful or lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single individual; or shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court of the State.

SEC. 6817. *Status of labor.*—The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employee, or to change that relation; or to assume and create a new relation for employer and employee; or to work and labor as an employee, shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment, either by the employee or employer, where no irreparable damage is about to be committed on the property, personal rights, or property rights of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

SEC. 6818. *No indictment, etc.*—No person shall be indicted, prosecuted, or tried in any court of this State for entering into or carrying on any arrangement, agreement, or combination between themselves made with a view of lessening the number of hours of labor or increasing the wages or bettering the conditions of working men and women, or for any act done in pursuance thereof, unless such act is in itself forbidden by law if done by a single individual.

SEC. 6819. *Provisions severable.*—If any part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair nor invalidate the remainder of this act, but shall be confined in its operation to the particular part thereof directly involved in the controversy wherein such judgment shall have been rendered.

Conciliation and arbitration—State board

SECTION 6820. *Board created.*—A board is hereby created which shall be known as the State board of conciliation and shall consist of three commissioners. Immediately upon taking effect of this act the governor shall appoint two of such commissioners, one to be selected from a list of five names to be submitted by the Employers' Association of Portland, and one from a list of five names to be submitted by the State Federation of Labor; and the third member of said board shall be chosen by the commissioners appointed by the governor, within ten days from the date of their appointment. If the two commissioners appointed by the governor shall be unable to agree upon the third member of the board within ten days from the date of their appointment, then the governor shall appoint such third member of the board. * * * the commissioners shall be appointed * * * for terms of four years, respectively.

SEC. 6821. *Removal.*—The governor may, at any time, remove any commissioner for inefficiency, neglect of duty or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix the time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If such commissioner shall be removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner and his findings thereon, with a record of the proceedings. Such power of removal shall be absolute, and there shall be no right of review by any court on any condition whatsoever. Upon the removal of such commissioner a successor shall be appointed to fill out the unexpired

term, and shall be selected in the same manner and from the same class as the commissioner so removed was selected from. Before entering on the duties of his office each commissioner shall take and subscribe to an oath or affirmation that he will support the Constitution of the United States and of this State, and to faithfully and honestly discharge the duties of such office of commissioner, which oath or affirmation shall be filed in the office of the secretary of state.

SEC. 6822. *Organization, etc.*—The board shall meet at the State capitol and shall organize by the election of one of its members as chairman and another member as secretary. As soon as practicable after its organization the board shall establish such rules of procedure as may be necessary to conduct the business of the board. Suitable rooms at the capitol shall be provided by the State for the use of the board.

SEC. 6823. *Compensation.*—Each member of the board shall receive five dollars ($5) for each day of actual service, and his necessary traveling and other expenses. Each month the chairman of the board shall certify the amount due each member of the board for service rendered and expenses incurred in the performance of his official duties hereunder, and on presentation of a claim therefor the secretary of state shall audit same in the manner provided by law and draw his warrant on the State treasurer out of the moneys appropriated therefor.

SEC. 6824. *Powers.*—The board shall possess all the powers and authority in respect to administering oaths, subpœnaing witnesses and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of books, papers, and writings, and all other powers and privileges, in their nature applicable and necessary in conducting its business, in the same manner as is conferred by law on all the judges of the circuit court of the State of Oregon in the trial of any cause, and shall have access to any reports, documents, or records filed with or in the custody of any officer in the State of Oregon.

SEC. 6825. *Procedure.*—When a controversy or difference, not involving a question which may be the subject of an action or proceeding in a court of this State, exists between an employer and his employees, or whenever it shall come to the knowledge of the board that a strike or lockout is seriously threatened in the State, involving an employer and his employees, if he is employing not less than fifty persons, the board shall immediately put itself in communication with such employer and employees and ascertain the cause of such difference, strike or lockout, and endeavor to persuade such employer and employees to adjust the same. If such employer and employees are unable to adjust the difference existing between them, then either of the parties to the controversy, or the officials of the city in which such strike or lockout may exist, or the officials of the county in which the same may be, if outside of any incorporated city or town, may request the board to make an investigation of the cause or causes of such strike or lockout.

SEC. 6826. *Investigation.*—Upon receiving such request to investigate a strike or lockout, the board shall immediately proceed to such city or county and make such investigation by a public hearing, and shall issue notice of the time and place and purpose of such hearing to said employer and to said employees. The board may issue subpœnas requiring the attendance of such witnesses and the production of such records, books, and papers as it may deem necessary to make a thorough investigation of the merits and cause or causes of such strike or lockout. Subpœnas may be signed and oaths administered by any member of the board. Said notices and subpœnas shall be delivered to the sheriff of the county in which the board is holding its investigation, and shall be served in the same manner as similar process is served in the Circuit Court of the State of Oregon.

SEC. 6827. *Findings.*—The board shall proceed with due diligence to complete the investigation of such strike or lockout, and shall make such findings and recommendations to the respective parties as it may deem just. If either or both of the parties are not satisfied with such findings and recommendations, then either party may make written application to the board to have such controversy or difference submitted to a board of arbitration. The application shall contain a concise statement of the grievances complained of, and an agreement to abide by such award as the board of arbitration may make.

SEC. 6828. *Arbitration.*—The board of arbitration shall consist of three arbitrators. Such board may be mutually agreed upon, or the employer may

designate one arbitrator and the employees or their duly authorized agent another, and the arbitrators so designated shall select a third, who shall be chairman of the said board. If the two arbitrators shall be unable to agree upon the third member within two days from the date of their appointment, then the State board of conciliation shall appoint such third arbitrator. The board of arbitration shall have all the powers and authority conferred upon the State board of conciliation, as provided in section 6824, in investigating such controversy, strike, or lockout.

SEC. 6829. *Refusing conciliation.*—If either of the parties shall refuse to accept the findings and recommendations of the State board of conciliation, or shall refuse to consent to the appointment of a board of arbitration and agree to accept and abide by the award of such board of arbitration, then the State board of conciliation shall prepare written findings, and determine therein the party who is responsible for the existence or continuance of such strike or lockout; and shall deliver a copy of such findings to each of the parties to the controversy, and file one copy with the clerk of the county court of the county in which such investigation was held, and one copy in the office of the Commissioner of Labor of the State of Oregon, which last two copies shall be public documents.

SEC. 6830. *Witness fees.*—Each witness summoned by the State board of conciliation, or by the board of arbitration, shall receive $2 for each day's attendance, and 5 cents for each mile necessarily traveled in going to and from the place of such hearing. The chairman of the State board of conciliation or the chairman of the board of arbitration, as the case may be, shall certify the amount due each witness and file the same with the clerk of the county court in the county in which such hearing is being held, and such claim shall be audited by the county court and allowed in the same manner as witness fees in criminal actions in the circuit court.

SEC. 6831. *Pay for arbitrators.*—Each member of a board of arbitration shall receive from the county in which the controversy exists the sum of $5 for each day of actual service, not exceeding twenty days, for any arbitration, to be certified to the clerk of the county court by the chairman of the board; and such claim shall be audited and allowed by the county court in the same manner as witness fees in criminal actions in the circuit court.

SEC. 6832. *Findings.*—The board of arbitration shall file a copy of its findings and award with each of the parties to the controversy, a copy with the clerk of the county court of the county in which such hearing is held, a copy with the State board of conciliation, and a copy with the Commissioner of Labor of the State of Oregon, within ten days from the date of the final hearing: *Provided*, That the State board of conciliation may allow an extension of time to file such findings and award, not to exceed twenty days. No claim for services shall be allowed any member of the board of arbitration until the findings and award shall have been filed as herein provided.

SEC. 6833. *Reports.*—On the thirty-first day of July of each year the State board of conciliation shall make a report to the governor, containing such statements, facts, and explanations as will disclose its methods and work, with such suggestions as to legislation conducive to the adjustment of disputes between employers and employees as it may deem proper.

Mine regulations—Signals

SECTIONS 7642-7645. *Code.*—[A code of bell signals to be used in mines having a power hoist is enacted, with rules for their enforcement. Violations by employees bar recovery for injuries and are grounds for discharge. Companies failing to comply may be fined $25 to $250.]

Employment of women—Minority

SECTION 9782. *Effect of marriage, etc.*—All female persons shall be deemed to have arrived at the age of majority upon their being married, according to law, or, for the purpose of consenting to the adoption of an illegitimate child when it is shown in the court in which such adoption proceedings are pending that such female person is the mother of said illegitimate child: *Provided, however*, That in the enforcement of the laws regulating the hours of labor of minor children any female under the age of eighteen years shall be regarded as a minor and subject to the labor laws applying to minor children.

Wages as preferred claims—In receiverships, etc.

SECTION 10210. *Amount, etc.*—[Where the property of any company, association, person, or firm goes into the hands of a receiver, or is assigned for the benefit of creditors, debts owing laborers or employees, not exceeding $100 to each employee, earned within 90 days prior to the transfer, are to be paid first in full, if assets permit, otherwise pro rata; forms and procedure are prescribed.]

ACTS OF 1921

CHAPTER 169.—*Factory, etc., regulations—State fire marshal*

SECTION 2. *Rules.*—It shall be the duty of the State fire marshal to enforce all laws and all lawful ordinances, and make rules and regulations relating to:

1. The prevention of fires.
2. The storage and use of combustibles and explosives.
3. The construction, maintenance, and regulation of fire escapes.
4. To oversee the safety of and direct the means and adequacy of exit in case of fire from factories, * * * and all other places where large numbers of persons work, live, or congregate from time to time for any purpose. * * *

CHAPTER 217.—*Electric lines and plants—Safety provisions*

SECTIONS 1, 2. *Standards.*—[The public service commission may, after hearing on its own motion or on complaint, make general or special orders governing telegraph, telephone, signal, trolley or power lines, requiring construction, maintenance and operation, use of equipment, etc., so as to protect the health and safety of employees and the public. Penalties are $100 to $10,000 for each offense.]

PENNSYLVANIA

CONSTITUTION

ARTICLE III.—*Labor legislation*

SECTION 7. *Local and special laws.*—The general assembly shall not pass any local or special law; * * * regulating labor, trade, mining, or manufacturing. * * *

SEC. 21 (as amended 1915). *Injuries to employees.*—The general assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the general assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries the right of action shall survive, and the general assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

STATUTES—1920

Wages as preferred claims

SECTION 766. *Insolvency.*—[Claims for wages have the same preference in case of assignments as provided by law in case of executions.]

SEC. 767. *Current wages.*—[Wages necessarily incurred in service rendered to an assignee or receiver must be paid as a part of the expenses of the assignment.]

SEC. 783. *Sending claims out of the State.*—[It is unlawful for a citizen to assign or transfer a claim against a resident of the State for the purpose of depriving the debtor of his right to wage exemptions under the law of Pennsylvania.]

Badges, etc., of labor organizations

SECTION 1050. *Unauthorized wearing.*—Any person who shall willfully wear any insignia or button of any association, society, or trades-union, or use the same to obtain aid or assistance, within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations, of such organizations shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars, and in default of payment committed to jail for a period of not to exceed sixty days.

Protection of employees on buildings

SECTION 2941. *Mayor, etc., to act on complaint.*—Whenever complaint is made to the mayor, director of public safety, superintendent of police, or other persons in charge of the police force, in any city of the first, second, or third class in this State, that the scaffolding, or slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any sling or stationary scaffolding, used in the construction, alteration, repairing, painting, cleaning, or pointing of buildings, within the limits of any city aforesaid, are unsafe or liable to prove dangerous to life or limb of any person, such mayor, director of public safety, superintendent of police, or other person in charge of the police force, shall immediately cause an inspection to be made of such scaffolding or the slings,

hangers, blocks, pulleys, stays, braces, ladders, irons, ropes, or other parts connected therewith. If, after examination, such scaffolding or any of such parts is found to be dangerous to life or limb, the mayor, director of public safety, superintendent of police, or other persons in charge of the police force shall prohibit the use thereof and require the same to be altered and reconstructed so as to avoid such danger. The person directed to make such inspection shall attach such certificate to the scaffolding, or the slings, hangers, irons, ropes, or other parts thereof examined by him, stating that he has made such examination, and that he has found it safe or unsafe, as the case may be. If he declare it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn them against the use thereof. Such notice shall be served personally upon the person responsible for the erecting, or by conspicuously affixing it to the scaffolding or part thereof to be declared unsafe. After such notice has been so served or affixed, the person responsible therefor shall immediately remove such scaffolding or part thereof, and alter or strengthen it in such manner as to render it safe, in the discretion of the person who has examined it, or of his superiors. Any person whose duty it is to examine or test any scaffolding or part thereof, as required by this act, shall have free access at all reasonable hours to any building or premises containing them or where they may be used.

Sec. 2942. *Swinging scaffolds.*—If any scaffolding or staging, swung or suspended from an overhead support or supports, shall be more than ten feet from the ground or floor, the same shall be deemed unsuitable and improper, and as not giving proper protection to the life and limb of any person employed or engaged thereon, unless such scaffolding or staging shall, when the same is in use, have a safety rail rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the outside thereof the entire length of the outside thereof, properly attached thereto, and unless such scaffolding or staging shall be provided with braces so as to sustain the weight of a man's body leaning against it, and prevent the scaffolding or staging from swaying from the building or structure.

Sec. 2943. *Strength of scaffolds.*—All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight to be dependent therefrom or placed thereon when in use, and not more than three men shall be allowed on any swinging scaffolding at one time.

Sec. 2944. *Violations.*—Any person who violates, or omits to comply with, any of the foregoing provisions of this act, or who suffers or permits the use of any article or scaffolding declared by a proper officer to be defective, or who destroys or defaces any notice posted in accordance with the provisions of this act, or who hinders or obstructs any officer who may be detailed to enforce its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months, or both, at the discretion of the court.

Factory, etc., regulations—Fire escapes—Cities

Section 3322. *Stairways.*—Stores in which any of the stories above the second have a clear floor space of four thousand (4,000) square feet, and manufactories three or more stories in height, of the floor area, per story, of three thousand (3,000) square feet, shall have a tower stairway, completely inclosed, on the interior of the building, with brick walls or such other fireproof materials as shall be accepted by the bureau of building inspection. Should the floor area of any story above the second, in said stores or manufactories, exceed ten thousand (10,000) square feet, the bureau of building inspection may require one or more additional tower stairways.

Manufactures in tenements

Section 3461. *Air space; permits.*—No room or rooms in any dwelling house, rooming house, or tenement which are used for manufacturing purposes shall be occupied, at any one time, by more persons than would give to each occupant at least four hundred cubic feet of air space; and no such room or rooms shall be so occupied, in any instance, except by a permit from the bureau or board of health, which permit shall expire not later than the calendar year for which it is issued. No such permit shall be granted if such use would create dust, foul odors, or undue noise, liable to affect injuriously the health or comfort of those engaged therein, or of the tenants, occupants, or neighbors.

Employment of women—Waiters

SECTION 3489. *Female waiters in theaters, circuses, etc.*—[The employment of females to wait upon the audience or spectators in theaters, circuses, etc., or to offer or distribute any description of commodities or refreshments is forbidden under penalty of a fine not exceeding $500, or imprisonment not more than one year, or both.]

Employment of children—School attendance

SECTION 5043, 5045. *Attendance required.*—[Children under 16 must attend school for the full term, unless, among other exemptions, the child is 14 years of age, holds an employment certificate, and is regularly, usefully, and lawfully employed.]

SEC. 5048. *Names of children and parents.*—[Persons employing children 14 to 16 years of age during school hours must report quarterly during the term of school the names, ages and addresses of all children employed by them, and the names of their parents or guardians.]

SEC. 5049. *Lists to be posted.*—[Persons employing children 14 to 16 during school time must publicly post in their places of employment the names, ages, addresses, date of employment certificaates and of employment, etc.]

SEC. 5050. *Employment forbidden.*—[No person may employ any child under 14 during school hours, or employ any child under 16 without a certificate. If a child leaves employment, or is absent for five days, the employer must notify in writing the school official who issued the certificate.]

SECS. 5051, 5052. *Violations.*—[Illegal employment, or failure to comply with the provisions of the law, entails a fine of from $10 to $25, or imprisonment for 10 days, or both, for a first offense; and for a second, a fine of from $20 to $50, or 90 days' imprisonment or both. Parents or guardians violating the law may be fined from $2 to $5 and costs or imprisoned not over 5 days in default of payment of fine and costs.]

Work in compressed air

SECTION 5424. *Definitions.*—The term "pressure" when used in this act means "gauge pressure in pounds per square inch."

The term "employer" when used in this act includes individuals, copartnerships, associations, and corporations.

SEC. 5425. *Provisions for safety.*—Every tunnel, caisson, compartment, or place to which this act applies shall be so constructed, equipped, arranged, operated, and conducted as to provide such protection to the lives, health, and safety of all persons employed therein as the nature of the employment will reasonably permit.

SEC. 5426. *Duties of employers.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Provide and install gauges in each tunnel, for showing the air pressure to which the persons so employed therein are subjected. Such gauges shall be accessible at all times during working hours to all employees in the tunnels.

(2) Provide and attach gauge to each caisson, for showing the air pressure to which the persons so employed therein are subjected, and employ a competent person, who may be the lock tender, to take charge of such gauges and of the instruments required under subdivision three of this section. The person so employed shall not be permitted to work more than eight hours in any twenty-four hours.

(3) Provide and attach an air gauge and a timepiece to each air lock. Such gauge and timepiece shall be accessible to the lock tender at all times.

(4) Keep at least two air-pipes or lines connected with each tunnel, caisson, compartment, or place in which persons are so employed.

(5) Provide a suitable iron ladder for the entire length of every shaft used in connection with such work.

(6) Keep every passageway used in connection with such work clear and properly lighted.

(7) Provide sufficient electric lights for all lighting purposes, and provide a wire for lighting the shaft, which wire shall be separated from the wire used for lighting the place where the employees are at work in compressed air; all electric wires shall be properly insulated.

(8) Provide, for the use of all persons so employed, dressing rooms, which shall be kept open and accessible during working hours and during the intervals between working periods, and also a separate room for drying clothes. The dressing rooms shall contain benches and individual lockers, shower baths, with hot and cold water, and sanitary water-closets, and shall be kept properly heated, lighted, and ventilated.

(9) If the maximum air pressure in such work exceeds seventeen pounds, provide and maintain at least one double compartment hospital lock; such lock shall be at least six feet high inside measurement, and be suitably floored; it shall be equipped with inside and outside air gauges and timepieces, and a telephone with proper connections, and shall contain benches and proper surgical and medical equipment; it shall be properly heated, lighted, and ventilated.

SEC. 5427. *Position of caisson.*—No caisson in which persons are employed in compressed air shall, while work is in progress therein, be suspended or hung so that the bottom of the excavation is more than four feet below the cutting edge of the caisson.

SEC. 5428. *Inspection daily.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall cause all engines, boilers, steam pipes, steam gauges, drills, caissons, air pipes, air gauges, air locks, dynamos, electric wiring, signal apparatus, brakes, buckets, hoists, cables, chains, ropes, ladders, ways, tracks, sides, roofs, timbers, supports, and all other equipment, apparatus and appliances used in connection with such work to be inspected at least once every working-day by a competent person especially designated for that purpose; and if any defect in such equipment, apparatus or appliances is found, a report thereof in writing shall forthwith be made by the inspector to the employer and the defect shall be immediately repaired.

SEC. 5429. *Physicians and nurses.*—Every employer carrying on any work in the prosecution of which persons are employed in compressed air shall:

(1) Employ one or more licensed physicians as medical officers, who shall be present to render medical assistance at all necessary times at the place where such work is in progress, and who shall perform such other duties as are imposed on them by this act.

(2) If the maximum air pressure in such work exceeds seventeen pounds, employ one or more registered nurses, or one or more competent persons, which persons shall be selected by the medical officer and be certified by him to be competent by actual experience to handle cases of compressed-air illness. The nurses or persons so employed shall have charge of the hospital lock provided for in this act, and may also have other duties of a clerical nature, exclusive of timekeeping, such as will not require their presence elsewhere than at the hospital lock and such as they may leave at any time their service at the lock is necessary.

SEC. 5430. *Use of intoxicants.*—No person known to be addicted to the excessive use of intoxicants shall be employed or permitted to work in compressed air.

SEC. 5431. *Physical examinations.*—(1) No person shall be employed or permitted to work in compressed air until he has been examined by the medical officer and found to be physically qualified therefor.

(2) No person who has not previously worked in compressed air shall, during the first twenty-four hours of his employment, be permitted to work therein longer than one working period, as provided in section ten [5433], and he shall not be permitted to resume such work, if the air pressure exceeds fifteen pounds, until he has been reexamined by the medical officer and found to be physically qualified therefor.

(3) No person who is employed in compressed air, but who has been absent therefrom for ten or more consecutive days for any cause, shall be permitted to resume such work until he has been reexamined by the medical officer and found to be physically qualified therefor.

(4) No person who has been employed regularly in compressed air for three months shall be permitted to continue such work until he has been reexamined by the medical officer and found to be physically qualified therefor.

SEC. 5432. *Records.*—The medical officer shall keep a record of all physical examinations made in accord with section eight [5431], which record shall be kept at the place where the work is in progress, and shall contain the name, age, address, and full description of each person examined, the date on which each examination was made and the physical condition on that date of the person

examined, and the total time such person has worked in compressed air, including time in previous employments. The employer shall also be responsible for the observance of this section.

SEC. 5433. *Working time.*—When the air pressure in any tunnel, caisson, compartment, or place in which persons are employed exceeds normal, but does not exceed fifty pounds, the maximum number of hours which, in any twenty-four hours, a person may be employed or permitted to work or remain therein, shall be as hereinafter stated. In every case the maximum number of hours shall be divided into two working periods of equal length, and the minimum time interval which shall elapse between such working periods shall be as hereafter stated.

When the air pressure exceeds normal, but does not exceed twenty-one pounds, number of hours in twenty-four, eight; interval between working periods, thirty minutes.

When the air pressure exceeds twenty-one but does not exceed thirty pounds, number of hours in twenty-four, six; interval between working periods, one hour.

When the air pressure exceeds thirty but does not exceed thirty-five pounds, number of hours in twenty-four, four; interval between working periods, two hours.

When the air pressure exceeds thirty-five but does not exceed forty pounds, number of hours in twenty-four, three; interval between working periods, three hours.

When the air pressure exceeds forty but does not exceed forty-five pounds, number of hours in twenty-four, two; interval between working periods, four hours.

When the air pressure exceeds forty-five but does not exceed fifty pounds, number of hours in twenty-four, one and one-half; interval between working periods, five hours.

Except in cases of emergency, no person shall be employed, or permitted to work or remain, in any tunnel, caisson, compartment, or place where air pressure exceeds fifty pounds.

SEC. 5434. *Decompression.*—No person shall be permitted to pass from any tunnel, caisson, compartment, or place where he has been employed in compressed air to atmosphere or [of] normal pressure, without passing through an intermediate lock or stage of decompression. When the employee is passing from a tunnel to atmosphere of normal pressure, the rate of decompression shall be three pounds every two minutes, except when the air pressure in the tunnel exceeds thirty-six pounds, in which case the rate of decompression shall be one pound every minute. When the employee is passing from a caisson, compartment, or place to atmosphere of normal pressure, the time of decompression shall be as follows:

When the pressure in a caisson, compartment, or place exceeds normal, but does not exceed ten pounds, time of decompression one minute.

When the pressure in a caisson, compartment, or place exceeds ten but does not exceed fifteen pounds, time of decompression two minutes.

When the pressure in a caisson, compartment, or place exceeds fifteen but does not exceed twenty pounds, time of decompression five minutes.

When the pressure in a caisson, compartment, or place exceeds twenty pounds but does not exceed twenty-five pounds, time of decompression ten minutes.

When the pressure in a caisson, compartment, or place exceeds twenty-five pounds but does not exceed thirty pounds, time of decompression twelve minutes.

When the pressure in a caisson, compartment, or place exceeds thirty but does not exceed thirty-six pounds, time of decompression fifteen minutes.

When the pressure in a caisson, compartment, or place exceeds thirty-six but does not exceed forty pounds, time of decompression twenty minutes.

When the pressure in a caisson, compartment, or place exceeds forty but does not exceed fifty pounds, time of decompression twenty-five minutes.

SEC. 5435. *Enforcement.*—The commissioner of labor and industry shall enforce this act. In enforcing this act any employee or agent of the department of labor and industry, specially authorized in writing, may at any time enter any place of employment covered by this act for purposes of inspection. It shall be unlawful to hinder or prevent such employee or agent in the performance of his duties under this act.

SEC. 5436. *Violations.*—[Violators are liable to a penalty of $50 for a first offense, $100 for a second, and $300 for subsequent offenses.]

Pensions for employees

SECTION 5775. *Power of corporations.*—Corporations organized for profit under the laws of the Commonwealth of Pennsylvania may, out of the earnings of said corporations, grant allowances or pensions to employees for faithful and long-continued service, who have, in such service, become old, infirm or disabled: *Provided*, That the provisions of this act shall not apply to any director or officer of any such company or corporation.

Powers of manufacturing companies, etc.—Company stores

SECTION 5984. *Powers restricted.*—Every manufacturing, mining or quarrying company incorporated under the provisions of this act [relating to manufacturing companies], shall be confined exclusively to the purposes of its creation, as specified in its charter, and no such company shall manufacture or sell any commodity or article of merchandise other than those therein specified. No such company shall engage in, nor shall it permit any of its employees or officials to engage in, the buying or selling, upon the lands possessed by it, of any wares, goods or commodities or merchandise, other than those specified in their charter, or necessary for the manufacture of the same. No such company shall permit to be withheld or authorize or direct the withholding of wages due any of its operatives or employees, by reason of the sale or furnishing of goods, wares or merchandise by any person to such operatives or employees, unless the same be withheld by reason of and in obedience to due process of law. But nothing herein contained shall prohibit any such person from supplying to its employees oil, powder or other articles and implements necessary for or used in mining.

This section is not unconstitutional. It does not prevent owners of stock of a corporation from engaging in other business and the fact that stockholders in a company are also partners in a store does not make the two identical. If an employee directs his wages to be applied on a debt for goods sold to him it is a valid transaction and he can not afterward recover his wages from the company. 6 Kulp 181.

SEC. 5988. *Company stores prohibited.*—On and after the passage of this act it shall not be lawful for any mining or manufacturing corporation of this Commonwealth, or the officers or stockholders of any such corporation, acting in behalf or in the interest of any such corporation, to engage in or carry on, by direct or indirect means, any store known as a company store, general supply store or store where goods and merchandise other than such as have been mined or manufactured by the mining or manufacturing corporation, of which said officers or stockholders are members, are kept or offered for sale.

SEC. 5989. *Right to maintain store not to be granted.*—No mining or manufacturing corporation engaged in business under the laws of this Commonwealth shall lease, grant, bargain or sell to any officer or stockholder of any such corporation, nor to any other person or persons whatsoever, the right to keep or maintain upon the property of any such corporation any company, general supply or other store in which goods other than those mined or manufactured by the corporation granting such right shall be kept or exposed for sale whenever such lease, grant, bargain or sale as aforesaid is intended to defeat the provisions of the first section of this act. Nor shall any such mining or manufacturing corporation, through its officers, stockholders or by any rule or regulation of its business, make any contract with the keepers or owners of any store, whereby the employees of such corporation shall be obliged to trade with such keeper or owner, and that any such contract made in violation of this act shall be prima facie evidence of the fact that such store is under the control of such mining or manufacturing corporation and in violation of this act.

SEC. 5990. *Forfeiture.*—For any violation of any of the provisions of this act by any mining or manufacturing corporation aforesaid, such mining or manufacturing corporation so offending shall forfeit all charter rights granted to it under the laws of this Commonwealth, and it is hereby declared and made the duty of the attorney general of this Commonwealth, upon complaint of such violation of any of the provisions of this act by a petition

signed and sworn to by two of more citizens, residents of the county where the offense is sworn to have been committed, to immediately commence proceedings against the corporation or corporations complained against by a writ of quo warranto.

Hours of labor on street railways

SECTION 6215. *Twelve hours a day's labor.*—It shall be unlawful for the president, board of directors, superintendent or other agents of any horse, cable and [or] electric railway company to permit or suffer any conductor, driver or any other person in the employ of any such company, to work more than twelve hours in any one day in the service of such company: *Provided*, That all necessary labor, over and above the time set by this section, shall be considered overwork, for which the laborer shall receive additional compensation.

SEC. 6216. *Penalty.*—[Violations are punishable by imprisonment not less than thirty days nor more than six months.]

SEC. 6217. *Evidence.*—On the preliminary trial, or hearing of any such president, director or other officer, charged with the misdemeanor aforesaid, evidence of the actual service by such conductor, driver or any other employee, during more than twelve hours in any one day, shall be sufficient prima facie proof of such permission or sufferance, by such president, director or other officer: *Provided, however*, That a party charged with such offense may show, in his defense, that such excessive service was without his knowledge, permission or sufferance.

Wages as preferred claims—In administration

SECTION 8458. *Rank.*—[Servants' wages for not exceeding one year rank with funeral expenses and expenses of last illness as first to be paid by executors or administrators of estates.]

Payment of wages due deceased employees

SECTION 8601. *Payment to wife, etc.*—It shall be lawful for any employer in this Commonwealth, at any time not less than thirty days after the death of his employee, to pay all wages due to such deceased employee to the wife, children, father or mother, sister or brother (preference being given in the order named) of the deceased employee, without requiring letters testamentary or of administration to be issued upon the estate of said deceased employee, where such wages do not exceed one hundred and fifty dollars in amount. If such deceased employee shall not leave a wife or any of said relatives surviving him, then it shall be lawful for the employer in like manner to pay such wages to the creditors of the decedent, as follows, undertaker, physician, boarding-house keeper, and nurse, each his or her pro rata share, upon affidavit of fact furnished. The payment of such wages as aforesaid shall be a full discharge and release to the employer from any further claim for such wages.

Protection of employees as voters

SECTION 9892. *Threatening discharge, etc.*—Any person who shall, directly or indirectly, give or offer to give any such gift or reward to any such elector, with the intent to induce him to vote for any particular candidate or candidates at such election, or shall directly or indirectly procure or agree to give any such gift or reward to such elector, with the intent aforesaid, or shall, with the intent to influence or intimidate such elector to give his vote for any particular candidate or candidates at such election, give, offer, or promise to give, to such elector, any office, place, appointment, or employment, or threaten such elector with dismissal or discharge from any office, place, appointment, or employment, public or private, then held by him, in case of his refusal to vote for any particular candidate or candidates at such election, the person so offending shall be guilty of a misdemeanor and, on conviction, be sentenced to pay a fine not exceeding five hundred dollars, and undergo an imprisonment not exceeding two years.

Private employment offices

SECTION 10130. *License.*—[No employment agent may do business for profit without a license.]

SEC. 10131 (as amended 1923, No. 193). *Scope.*—[The act does not apply to employment departments or bureaus of corporations of the State securing employees for themselves without fee, or to teachers' or nurses' agencies.]

SEC. 10132. *Application; fee; bond.*—[Applications for license must be made on blanks furnished by the commissioner of labor and industry, must be sworn to, be accompanied by a fee of $50, and a bond in the sum of $1,000 conditioned on compliance with the law and the payment of damages accruing to any person by reason of fraud, excessive charges, or other wrongful act of the agent or his employees.]

SEC. 10134. *Renewal; transfer.*—[Licenses expire on September 30 following issue, and are not transferable.]

SECS. 10135, 10136. *Refusal; revocation.*—[Licenses may be refused for unfitness of the applicant, previous revocation of license, unsuitability of proposed location, or other good reason; and may be revoked with or without hearing for violations of law or regulations, or for reasons for which the license might have been refused.]

SEC. 10137. *Rules.*—[The commissioner shall prescribe necessary rules and regulations.]

SEC. 10138. *False statements.*—[Agents are responsible for false statements made or published, and for the acts and statements of their employees. False statements or concealments by employers and applicants are forbidden.]

SEC. 10139. *Form of contracts.*—[Forms of contracts used by agents must have the approval of the commissioner.]

SEC. 10140. *Fees.*—[A schedule of fees must be submitted to the commissioner for approval, and may not be varied without approval. No registration fee may be charged, nor may fees be split with employers or their agents.]

SEC. 10141. *Receipts.*—[Receipts must be given for all money or other valuable consideration, stating amounts, purposes, and such other facts as the commissioner may direct.]

SEC. 10142. *Return of fee.*—[If the applicant fails through no fault of his own to obtain the employment to which he was referred, the whole amount of the fee and of any transportation or other expenses shall, on demand, be refunded.]

SEC. 10143. *Posting license, etc.*—[Licenses, schedules of fees, and notices as directed must be posted conspicuously in places of business of employment agents.]

SEC. 10144. *Inspection.*—[The commissioner or his agents may at any time enter the premises of an agency and inspect registers, cards, and records. A search warrant may be secured, if necessary.]

SEC. 10145. *Immoral resorts, etc.*—[No female may be sent to a place of bad repute or immoral resort, the character of which could be ascertained on reasonable inquiry. No person of bad character may be allowed to remain in an agency.]

SEC. 10146. *Children.*—[Agents may not furnish employment to children in violation of any law regulating their employment.]

SEC. 10147 (as amended 1923, No. 193). *Enforcement.*—[The commissioner and his agents have the power of a constable or police officer, and may arrest on view persons detected in violating the law. They may issue subpœnas, administer oaths, take testimony, etc.]

SECS. 10148–10151. *Penalties.*—[Conducting an agency without license subjects the offender to a fine of not more than $500 or imprisonment not exceeding one year, or both. False statements under oath are punishable as for perjury. Failure to comply with subpœnas or to answer questions subjects to a penalty of $100; and violations of the act entail a fine of not more than $100 or imprisonment not over one year, or both.]

Suits for wages—Exemptions—Attachments

SECTION 10392. *No property exempt.*—[No exemption of property from attachment, levy, or sale on execution is allowed in judgment for wages for manual labor for $100 or less.]

SEC. 10393. *Assignments to defeat exemption.*—[No citizen of the State may assign a claim against a resident for collection outside the State or send such

claim outside the State for collection for the purpose of depriving the debtor of his right to have his personal earnings exempt under the laws of the State.]

Sec. 10394. *Evidence.*—[Any assignment or transfer of a claim, or proceedings in attachment or garnishment which might, could, or does deprive one of the benefit of the exemption laws of the State, is prima facie evidence of intention to violate the above act.]

Sec. 10403. *Stay.*—[No stay of execution is allowed in judgments of $100 or less for wages of manual labor.]

Sec. 10431. *Attachment.*—[Wages of laborers and salaries of persons in public or private employment are not subject to attachment in the hands of the employer.]

Factory, etc., regulations—Fire escapes

Section 10913 (as amended 1921, No. 237). *Fire protection.*— * * * Every building in which persons are employed above the second story in a factory, workshop, or mercantile establishment * * * shall be equipped either with an automatic sprinkler system or with an automatic fire-alarm system, in all cases required by the commissioner of labor and industry and to be approved by him; and in all cases shall be provided with proper ways of egress or means of escape from fire, sufficient for the use of all persons accommodated, assembled, employed, lodged, or residing therein, and such ways of egress and means of escape shall be kept free from obstruction, in good repair, properly lighted, and ready for use, at all times; and all ways of egress or means of escape in said buildings wherein persons are employed after darkness or the public assembles after darkness shall be provided with a reliable emergency electric lighting circuit, independent of the main lighting circuit, of a type to be approved by the commissioner of labor and industry; and all rooms above the second story in said buildings shall be provided with more than one way of egress or escape from fire, which shall be placed as near as practical at opposite ends or sides of the building and leading to stairways on the inside, or, where not possible to provide such stairways, to stair towers or fire escapes on the outside of such buildings: *Provided*, That in all such buildings hereafter erected, such ways of egress or means of escape from fire shall be located within the walls of the building, and at least one of such ways of egress or means of escape from fire shall be an inclosed stair tower of fire-resistance construction, except that properly constructed bridges between two separate buildings, or parts of buildings, separated by approved fire walls, may be accepted in lieu of such inside stairway by the commissioner of labor and industry: *And provided further*, That the commissioner of labor and industry may order fire walls to be built in buildings already erected or which may hereafter be erected where in his judgment the erection of such fire walls is necessary to the reasonably [sic] safe protection of the inmates. Such ways of egress or means of escape from fire, or fire walls, shall be in accordance with standards drawn up by the industrial board of the department of labor and industry. Where any of said buildings is designated for the use or occupancy of fifty or more persons, the external doors of the same shall open outward, shall be kept unlocked and ready for instant use at all times, and be so constructed or arranged as to afford, when open, an unobstructed passageway of not less than five feet in the clear. Where such doors lead from stairways, there shall be landings inside the external doorways of dimensions not less than four feet between the external doors and the adjoining stairways; said landings to be of a width not less than the stairway approaches thereto.

Sec. 10915. *Fire escapes.*—In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section one of this act that are more than two stories in height, and buildings having one or more galleries above the first or ground floor, shall have one or more fire escapes, as may be directed by the commissioner of labor and industry, or, under his instructions by the chief inspector or an inspector of the department of labor and industry. And such fire escapes as are provided for in this section shall be constructed according to specifications to be issued or approved by the department of labor and industry. Fire escapes now in use and hereafter erected must be painted at least once a year, and be kept in safe condition and up to the standard requirements of this section.

Sec. 10916. *Internal provisions.* [If external escapes can not be provided without trespass on other property, for which permission is denied, internal

means of escape, approved by the commissioner or chief inspector, may be provided in lieu thereof; and if neither means can be provided, the use of the building or part thereof for uses subjecting it to this act shall be discontinued.]

SEC. 10917. *Approval of plans.*—[Designs and plans for the adaptation of old or the erection of new buildings must be approved by the commissioner of labor and industry.]

SECS. 10918–10920. *Violations.*—[Failure to comply with the act, or hindering inspection, etc., is punishable by a fine, not over $500, or not over 6 months' imprisonment, or both. Prosecutions may be instituted by the commissioner of labor, or by an inspector under his direction. If death or personal injury occurs in any fire or panic, in the absence of the safeguards provided by this act, the owner or owners are liable in action for damages for such death or injuries.]

SEC. 10921. *Exits to be fireproof.*—All exits to external fire escapes shall be by means of doors of fireproof construction, in which doors there may be placed wire glass, if glass is required for lighting the interior; and all windows hereafter opening upon, over, or under external fire escapes, shall be of fireproof construction, with wire glass therein, and with metal fireproof frames around the windows.

SEC. 10922. *Violations.*—[Penalties are fines not exceeding $300 or imprisonment not exceeding two months, or both.]

Wages—Attachment for board

SECTION 11950. *Amount.*—[Keepers of hotels, inns, boarding houses, and lodging houses may bring action to attach wages due or owing to persons indebted to such keepers, in an amount not exceeding the sum due them for 4 weeks.]

SEC. 11951. *Service.*—[Every person owing such wages shall be deemed to have accepted notice of attachment of wages in his hands when properly served with such notice.]

Employment of children—General provisions

SECTION 13229. *Acrobatic, etc., occupations.*—[The employment or letting out to employment of any child under 15 in acrobatic, gymnastic, etc., occupations or in any indecent or illegal exhibition, or injurious vocation, is punishable by a fine of from $50 to $100.]

SEC. 13230. *Mendicancy.*—[The employment of children under 18 in singing, playing musical instruments, begging, or in any mendicant business is a misdemeanor, punishable as above.]

SEC. 13285. *Scope.*—[This act (secs. 13285–13308) applies to all places of employment for compensation of any kind, except farm and domestic service.]

SEC. 13286. *Age limit.*—[No minor under 14 may be employed in, about, or in connection with any establishment or in any occupation.]

SEC. 13288. *Hours.*—[Children under 16 may not be employed more than 9 hours per day or 51 per week, nor between 8 p. m. and 6 a. m.]

SEC. 13289. *Dangerous occupations.*—[The employment of children under 16 in a specified list of dangerous occupations, including work in mines, is forbidden; also of children under 18 in an additional list, including railway operations, the use of explosives, etc. For similar lists see Delaware Code, secs. 3145, 3148.

Minors under 18 may also be excluded from employments declared dangerous or injurious by the industrial board of the department of labor and industry, after public hearing.]

SEC. 13290. *Messengers.*—[No minor may be employed in messenger or delivery service between 8 p. m. and 6 a. m.]

SEC. 13291. *Street trades.*—[No male under 12 and no female minor may sell or distribute any newspaper, periodical, or other publication in any street or public place; nor may any male under 14 or female minor act as bootblack or in other street trade. Males under 16 may not engage in these trades between 8 p. m. and 6 a. m.]

SECS. 13292–13303. *Certificates.*—[Certificates must be procured and kept on file for the employment of any child under 16 in or in connection with any establishment or occupation. These are issued by the school authorities on the presentation of a statement by an employer of his purpose to employ the applicant, stating the character of the work and the number of hours per day and week he will be employed, after personal appearance of the minor,

and on application of a parent, guardian or next friend. A school record, showing the completion of the sixth grade, a certificate of physical fitness signed by a physician after thorough examination, and evidence of age are required. Vacation certificates issue without a school record.

Employers must acknowledge to the issuing authority the receipt of an employment certificate, and must return the same to such authority within three days after the termination of employment. Forms are to be furnished by the State superintendent of public instruction.]

Sec. 13304. *Enforcement.*—[Attendance officers may be appointed by the State board of education to enforce the act.]

Sec. 13305. *Act and lists to be posted.*—[The provisions of the act relating to hours of labor, and lists of minors under 16 must be posted in a conspicuous place in the establishments where employed.]

Sec. 13306. *Minors without certificates.*—[Any enforcement officer may demand proof of the age of any minor employed without a certificate who is in his judgment under 16 years of age, or require employment to cease. Such cessation does not relieve from the penalties for unlawful employment.]

Sec. 13307. *Penalties.*—[Employing minors in violation of the law, or hindering inspectors in the performance of their duties, is punishable by a fine of from $10 to $200, or imprisonment not over 10 days, or both.]

Sec. 13308. *Enforcement.* [The commissioner of labor and industry, attendance officers, factory inspectors and the local police are charged with the duty of enforcing the law.]

Department of labor and industry

Section 13481. *Department of labor and industry.*—There is hereby established a department of labor and industry, the head of which shall be a commissioner of labor and industry, who shall be appointed by the governor, by and with the consent of the senate, and who shall hold office for the term of four years from the date of his appointment, and who shall receive an annual salary of ten thousand dollars ($10,000), and shall appoint, and may at pleasure remove, all officers, clerks, and other employees of the department of labor and industry, except as herein otherwise provided.

Sec. 13494. *Powers of board.*—The industrial board shall have the power to make investigation concerning, and report upon, all matters touching the enforcement and effect of the provisions of all laws of the Commonwealth, the enforcement of which shall now and hereafter be imposed upon the department of labor and industry, and the rules and regulations made by the industrial board in connection therewith; and to subpœna and require the attendance in this Commonwealth of all witnesses, and the production of books and papers pertinent to the said investigation, and to examine them and such public records as it may require in relation to any matter which it has power to investigate. Any witness who refuses to obey a subpœna of the said board, as hereinabove provided for, or who refuses to be sworn or to testify, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation or examination by the said board, or who is guilty of any contempt after being summoned to appear before the said board as above provided, may be punished as for contempt of court; and, for this purpose, application may be made to any court within whose territorial jurisdiction the said contempt took place, and for which purpose the courts of the common pleas of this Commonwealth are hereby given jurisdiction. In the course of such investigation each member of said board shall have power to administer oaths. Each member shall have the further power to make personal investigations of all establishments in this Commonwealth where labor is employed.

Sec. 13495. *Construction, etc., of buildings.*—All rooms, buildings, and places in this Commonwealth where labor is employed, or shall hereafter be employed, shall be so constructed, equipped, and arranged, operated and conducted, in all respects, as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. For the carrying into effect of this provision, and the provisions of all the laws of this Commonwealth, the enforcement of which is now or shall hereafter be intrusted to or imposed upon the commissioner or department of labor and industry, the industrial board shall have power to make, alter, amend, and repeal general rules and regulations necessary for applying such provisions to specific conditions, and to prescribe means, methods, and practices to carry into effect and enforce such provisions.

SEC. 13496. *Rules and regulations.*—The rules and regulations of the industrial board, and the amendments and alterations thereof, may embrace all matters and subjects to which power and authority of the department of labor and industry extends, and shall be distributed to all applicants. Every rule or regulation adopted by the board shall be promptly published in bulletins of the department of labor and industry, and in such daily newspapers as the board may prescribe, and no such rule or regulation shall take effect until thirty days after such publication. Any employer, employee, or other person interested, either because of ownership in or occupation of any property affected by any such order or regulation, or otherwise, may petition for a hearing on the reasonableness of a rule or regulation. Such petition for hearing shall be by verified petition, filed with the said industrial board, setting out specifically and in full detail the rule or regulation upon which a hearing is desired, and the reasons why such rule or regulation is deemed to be unreasonable. All hearings of the board shall be open to the public. Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the industrial board shall determine the same by confirming, without hearing, its previous determination; or, if such hearing is necessary to determine the issue raised, the industrial board shall order a hearing thereon, and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner, and to such other persons as the industrial board may find directly interested in such decision.

SEC. 13497. *Violations.*—[Penalties for violations of the act or the rules of the industrial board are fines not exceeding $100, or imprisonment not over one month, or both.]

Mediation and arbitration

SECTION 13500. *Mediation.*—Whenever a difference arises between an employer and his employees, which can not be readily adjusted, the chief of the bureau shall proceed promptly to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. If such settlement can not be effected, the dispute may be arbitrated by a board composed of one person selected by employer, and one person selected by employees, and a third who shall be selected by the representatives of the employer and the employees; and such third member of the board shall be selected and appointed within a period of five days after the matter has been submitted for arbitration, and, in the event of any such appointment or selection not being made within a period of five days, then the chief of the bureau of mediation and arbitration shall constitute the third member of the board, and be the chairman of the board; and if such third representative is chosen, by the two representatives of the employer and employees, within five days, then a chairman of the board shall be established by the board itself. A submission to the board shall be made in writing, and the parties thereto shall agree to abide by the determination of the board. Said board shall render a written decision within ten days after the completion of the investigation, one copy thereof to be filed in the bureau, and a copy to be furnished each party to the controversy. The chief of the bureau shall make an annual report of his work, containing such information as the commissioner of labor and industry may request.

Public employment offices

SECTION 13510. *Definitions.*—The term "bureau," as used in this act, shall mean bureau of employment.

The term "commissioner" shall mean the commissioner of labor and industry.

The term "board" shall mean the industrial board of the department of labor and industry.

The term "local offices" shall mean local, free, public employment offices.

SEC. 13520. *Cooperation.*—The director may enter into an agreement with any county, city, borough, town, or township for the establishment and joint maintenance of local offices. All county, city, borough, town, or township executives shall report to the director, from time to time, the general conditions of employment, the demands of employers for employees, the demands of employees for employment, and the existence of industrial disputes, strikes, and lockouts, in their respective districts, and shall cause to be posted any

bulletins or notices of the bureau pertaining to the purposes of this act. Any county, city, borough, town, or township may appoint the superintendent of the nearest district branch office to fill the office of superintendent of employment.

SEC. 13521. *Duty of board.*—The board shall—

(a) Devise plans and take steps toward the regularization of employment in the industries and seasonal trades of the State.

(b) Investigate the feasibility of, and induce the State, counties, cities, boroughs, towns, and townships to undertake, public improvements during the periods of unemployment.

(c) Cooperate with any persons, employer, official, association, or organ of the press whatsoever, for the accomplishment of the aforesaid purposes; appoint subcommittees for juveniles, farm laborers, and for other purposes; and the membership of these subcommittees may be enlarged to include persons outside the board, but each subcommittee must be presided over by a member of the board.

SEC. 13522. *Councils.*—Each district and local office shall have a representative council, appointed by the commissioner. The council shall consist of six members, one of whom shall be a woman, and all of whom are citizens of the United States and of the State and residents of the district where the council is to serve. One member shall be an employer, not a member of any employers' association; two members shall be representatives of employers' organizations; one member shall be a working person, not a member of any organization of working people, and two shall be representatives of organizations of working people. The commissioner shall designate one from the employers and one from the employees, to serve for a period of two years; and one from each group, to serve for a period of four years; and one from each group, to serve for a period of six years. Upon the expiration of said terms, the term of office of each member thereafter appointed shall be for a term of six years, except that any member appointed to fill a vacancy shall serve for the unexpired term thereof.

The commissioner and the director shall be ex officio members of each council. The superintendent in charge of a district shall be chairman of the council for his district, and in case of his inability to be present at any meeting the director or the commissioner may act as chairman.

The actual and necessary traveling expenses incurred by members of district representative councils, while engaged in the performance of their duties, shall be paid by the State.

SEC. 13523. *Duty of councils.*—The council in each district shall—

(a) Devise methods and take steps toward the regularization of employment in the various industries and seasonal trades of the district.

(b) Devise plans and take steps to promote public improvements by municipalities within the district during seasons of unemployment.

(c) Cooperate with any person, employer, association, or organ of the press in accomplishing the aforesaid purposes.

(d) Appoint subcommittees to deal specially with any subject which the council has power to investigate or act upon, but each subcommittee shall be presided over by a member of the council.

(e) Hold meetings at least once each month, or oftener if required, for the accomplishment of the aforesaid purposes; such meetings to be called by the chairman of the council or to be fixed at any regular meeting of the council.

(f) Keep minutes of all meetings; submit a copy of all minutes, records, and decisions, and report in full on all actions or proceedings to the director. No rule shall be prescribed or action taken by the council inconsistent with the action of the board.

SEC. 13524. *Fees.*—The bureau shall neither charge nor receive fees, directly or indirectly, for any service or benefit rendered to those availing themselves of advantages provided. No official, employee, or person associated with the bureau in the performance of its duties shall charge, demand, accept, or receive, directly or indirectly, any fee, compensation, contribution, or gratuity for any service or duty performed as an official or employee of the bureau.

SEC. 13525. *Statements as to strikes, etc.*—Each person applying for employees at any public employment office shall file, in such form and manner as the director may require, a signed statement affirming or denying the existence of an industrial dispute, strike, or lockout at or in connection with the business or place of business for which such person is applying for help. Any citizen

or employee may file at any public employment office a signed statement with regard to the existence of an industrial dispute, strike, or lockout affecting any business or trade. Each statement filed shall be exhibited in the public employment office, but not until it has been communicated to the employees affected if filed by employers, or to the employers affected if filed by citizen or employees. In case a reply to such a statement is received, it shall be exhibited, together with the original statement, in the public employment office; but no statement or reply thereto shall be so exhibited until it has been ascertained, upon investigation, that an industrial dispute, strike, or lockout does exist at or in connection with the business or place of business in question. No official of the bureau shall assist, in any manner whatsoever, any person, firm, association, or corporation who is a party to an industrial dispute, strike, or lockout. Each person applying to any public employment office for help or employment shall give such information as the director may require.

Sec. 13526. *Full information.*—It shall be the duty of the officer in charge of each public employment office, and of his assistants, to give full and complete information with regard to any position offered, and the terms and conditions relative thereto, to any person applying for such position; and to call the attention of such applicant to any statement, or reply thereto, with reference to the existence of any industrial dispute, strike, or lockout affecting the business or trade in which the position is offered.

Sec. 13527. *Refusing offer.*—No applicant for employment shall suffer any disqualification, or be otherwise prejudiced, at any public employment office on account of refusing to accept employment offered. The reliability and fitness of an applicant for the particular position which he is to fill shall always be taken into consideration in referring him to an employer. No applicant procuring employment with any employer other than the State, through the medium of the bureau or its officials, shall be regarded in any sense as an employee or official of the State.

Sec. 13528. *Children.*—In case bureaus for vocational training and placement, or other similar bureaus, are established by local school authorities, the director shall cooperate with such bureaus in dealing with the employment of children between the ages of fourteen and eighteen years, in such manner as may be advisable. The director shall use all reasonable means to promote the establishment of bureaus for vocational training and placement, in connection with vocational education by public school authorities throughout the State. Until bureaus for vocational training and placement, or other similar bureaus, have been established by local public school authorities, for the purposes of directing, advising, and assisting children in the selection of suitable vocations, the director shall provide school principals and all public employment offices with special blank forms for the registration of all children having employment certificates, as required by law, and leaving school lawfully in search of employment. Each child applying for employment may register at a public or other approved school with the principal of such school; and the principals of public or other approved schools are hereby authorized and required to register such applications for employment, to assist and advise each applicant in the selection of a vocation, in such manner as may be necessary, and to transmit immediately to the superintendent of the district branch office all applications for employment registered. The superintendent of each public employment office shall cooperate with the school principals in his district in endeavoring to secure suitable positions for children leaving school lawfully to enter a vocation, and shall guide and induce minors to enter promising vocations; and each principal shall acquaint the teachers and pupils of his school with the purpose and functions of the public employment office in placing juveniles.

Sec. 13529. *Exemptions.*—No provision of any section of this act shall be construed as applying to agents procuring employment for school teachers exclusively; nor to registries of any incorporated association of nurses; nor to departments or bureaus maintained by persons, firms, or corporations or associations, for the purpose of obtaining help for themselves, where no fee is charged the applicant for employment.

Sec. 13530. *False statements.*—Any person willfully making any untrue statement in applying to any public employment office shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

Sec. 13531. *Violations.*—Except as herein provided otherwise, any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and

on conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Accidents to be reported

SECTION 13535. *Duty of employer.*—Within thirty days after the beginning of the disability of an employee because of any persoual injury, caused by an accident occurring in the course of his employment, the employer, whether a person, firm, or corporation, shall make report of such accident to the department of labor and industry. Such report shall set forth the name, address, and nature of the business of the employer; name, address, sex, age, nationality, and occupation of the employee; date, day or week, hour, place, and character of the accideut, and the nature of the injury, and the duration of the disability, or probable disability, as far as the same can be ascertained. Such employer shall, also, upon request of the department of labor and industry, make such further report as may reasonably be required by it.

SEC. 13536. *Violation.*—Any person, firm, or corporation having knowledge of the occurrence of such personal injury to an employee, in the course of employment, who shall fail to make report as aforesaid, shall be liable to the Commonwealth for a penalty of one hundred dollars to be recovered by action brought by said department.

SEC. 13537. *Reports not evidence.*—Reports made in accordance with this act shall not be evidence against the employer in any proceeding, either under the workmen's compensation law of one thousand uine hundred and thirteen or otherwise.

SEC. 13538. *Required report sufficient.*—No employer who has made the report required by this act shall be required to make any other or further report of such accident to any other department of the government of the Commonwealth.

SEC. 13539. *Application.*—This act shall not apply to casual employments, nor to accidents resulting in disability continuing less than two days.

Employment of females—Factory regulations

SECTION 13540. *Definitions.*—The term "establishment," when used in this act, shall mean any place within this Commonwealth where work is done for compensation of any sort, to whomever payable: *Provided*, That this act shall not apply to work in private homes and farming.

The term "person," when used in this act, shall be construed to include any individual, partnership, or other unincorporated association, corporation, and municipality.

The term "week," when used in this act, shall uean any seven consecutive days, and the term "day" shall mean any twenty-four consecutive hours.

SEC. 13541. *Construction.*—Whenever in this act the singular is used the plural shall be included, and whenever the masculine gender is used the feminine and neuter shall be included.

SEC. 13542. *Hours of labor.*—(a) No female shall be employed or permitted to work in, or in connection with, any establishment for more than six days in any one week, or more than fifty-four hours in any one week, or more than ten hours in any one day: *Provided*, That during weeks in which a legal holiday occurs and is observed by an establishment, any female may be employed by such establishment during three days of such week for a longer period of time than is allowed by this act; but no female shall be permitted to work more than two hours overtime during any one of such three days, nor more than the maximum hours per week specified in this act.

The employment of such persons at any other time than as stated herein shall be deemed a violation of the provisions of this section, unless it appears that such employment was to make up time lost in the same week in consequence of the alteration, repairs, or accidents to machinery or plant upon which she was employed and dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be legal unless a written report of the same is sent to the commissioner of labor and industry; but no female shall be permitted to work more than two hours overtime during any one day, nor for more than the maximum number or hours per week specified in this act: *Provided*, That aforesaid restrictions as to hours shall not apply to females engaged in the canning of fruit and vegetable products: *And provided further*, That the one day of

holiday in seven may be subdivided into two days of twelve hours each, for women employees in hotels, boarding houses, and in charitable, educational, and religious institutions, at the discretion of the industrial board of the department of labor and industry: *Provided*, That if it should be hereafter held by the courts of this Commonwealth that the power herein sought to be granted to the said board is, for any reason, invalid, such holding shall not be taken in any case to affect or impair the remaining provisions of this section.

(b) Whenever any female shall be employed or permitted to work in, or in connection with, more than one establishment in any one week or in any one day, the aggregate number of hours during which she shall be employed or permitted to work in, or in connection with, such establishment shall not exceed the number of hours prescribed in this section for such females in any one week or any one day.

(c) The provision of this section shall not apply to the work of nurses in hospitals.

SEC. 13543. *Night work.*—No female shall be employed or permitted to work in any manufacturing establishment before the hour of six o'clock in the morning, or after the hour of ten o'clock in the evening of any day: *Provided*, That this section shall not apply to managers, superintendents, or persons doing clerical or stenographic work.

SEC. 13544. *Night work by females under 21.*—No female under twenty-one years of age shall be employed or permitted to work in, or in connection with, any establishment before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day: *Provided*, That this section shall not apply to females over the age of eighteen years employed as telephone operators.

SEC. 13545. *Time for meals.*—Not less than forty-five minutes shall be allowed to every female employed or permitted to work in, or in connection with any establishment, for the midday meal, which period shall not be considered a part of the hours of labor: *Provided*, That whenever any female shall be employed or permitted to work in, or in connection with, any establishment for less than eight hours in any one day, the time allowed for the midday meal may be reduced to not less than thirty minutes.

Employees shall not be required to remain in the workrooms during the time allowed for meals.

SEC. 13546. *Rest period.*—No female shall be employed or permitted to work for more than six hours continuously in, or in connection with, any establishment, without an interval of at least forty-five minutes, and no period of less than forty-five minutes, shall be deemed to interrupt a continuous period of work: *Provided*, That whenever any female shall be employed or permitted to work in, or in connection with, any establishment for less than eight hours in any one day, the interval between work periods may be reduced to not less than thirty minutes.

Employees shall not be required to remain in the workrooms during the rest periods required by this section.

SEC. 13547. *Seats.*—Every person employing or permitting females to work in any establishment shall provide suitable seats for their use in the rooms where they shall work, and shall maintain and keep them there, and shall permit the reasonable use thereof by such females. At least one seat shall be provided for every three females employed or permitted to work, and all seats shall during work hours be conveniently accessible to the workers for whose use they shall be provided.

SEC. 13548. *Wash rooms, toilets, etc.*—[Establishments in which females are employed must be supplied with suitable wash and dressing rooms, and accessible water-closets, separate for each sex, properly lighted, ventilated, cared for, and entrances screened, in the ratio of one for each 25 females employed.]

SEC. 13549. *Lunch rooms.*—Any person employing or permitting any female to work in any establishment where white lead, arsenic or other poisonous substances, or injurious fumes, dust or gases, shall be present, shall provide and maintain a suitable room, free from the aforesaid substances, fumes, dust and gases, for the use of said female employees; and no such person shall, during the time allowed for meals, permit any such female to remain in any room where the aforesaid substances, fumes, dust, and gases shall be present.

SEC. 13550. *Exhaust fans.*—Any person who shall employ or permit any female to work in any establishment in which poisonous or injurious dust, fumes,

or gases shall be created by the machinery or material in process of manufacture, shall provide proper hoods and pipes connected with exhaust fans of sufficient capacity to remove such dust, fumes, or gases at their point of origin, and prevent them from mingling with the air in the room, and such fans shall be kept running constantly while such dust, fumes, or gases shall be generated.

SEC. 13551. *Drinking water.*—Any person employing any female in any establishment shall make reasonable efforts to at all times provide a sufficient supply of clean and pure drinking water. Such water shall be supplied through proper pipe connections with water mains which furnish water for domestic purposes, or from a spring or well, or body of pure water. If drinking water be placed in receptacles in the establishment, such receptacles shall be properly covered to prevent contamination, and shall at all times be kept thoroughly clean: *Provided*, That no employer in any establishment shall collect from any such female employee any money for ice furnished in his establishment for drinking purposes, for the use of the employees.

SEC. 13552. *Copy of law to be posted.*—Every person employing or permitting any female to work in any establishment shall keep posted, in a conspicuous place in the room where such female shall be employed or permitted to work, a printed abstract of the provisions of this act, and a schedule of the hours of labor of such female: *Provided*, That when any female shall be employed or permitted to work in more than one room in any establishment, the aforesaid abstract and schedule shall be required in only one of the said rooms. If any female shall be employed or permitted to work in connection with any establishment, but not in such establishment, the aforesaid abstract and schedule shall be kept posted in a conspicuous place in the office of such establishment.

The schedule of hours of labor herein required shall contain the name of the female employed or permitted to work, the maximum number of hours such female shall be required or permitted to work on each day of the week, with the total for the week, the hours of commencing and stopping work, and the hours when the time allowed for meals shall begin and end for each day of the week. Such female may begin work after the time for beginning, and stop before the time for ending work, stated in such schedule; but she shall not otherwise be employed or permitted to work in, or in connection with, any establishment, except as stated in such schedule.

The commissioner of labor and industry shall prepare the abstract of the provisions of this act, and a form for the schedule of hours of labor required by this section. Copies of such abstract and such form shall be printed, in accordance with the laws of this Commonwealth regulating printing and publishing, under the supervision of the superintendent of public printing and binding, and the commissioner of labor and industry shall supply the same, upon application, to all persons required to post the abstract and schedule aforesaid.

SEC. 13553. *Proof.*—Whenever any female shall be employed or permitted to work in, or in connection with, any establishment, before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening of any day, who, in the judgment of the commissioner of labor and industry or his deputy, is under twenty-one years of age, such officer may demand from any person employing or permitting any such female to work in, or in connection with, his establishment, that such person shall either furnish to such officer within ten days satisfactory evidence, such as shall be required by law for the issuing of employment certificates to minors, that such female is, in fact, twenty-one years of age or over, or shall cease to employ or permit such female to work in, or in connection with, such establishment before or after the hours above named. In case such employer shall fail to furnish to said officer, within ten days after making such written demand, the required evidence of age, and shall thereafter continue to employ such female, or permit her to work in, or in connection with, such establishment, before or after the hours aforesaid, proof of the making of such demand and of failure to produce the evidence required shall be prima facie evidence of the illegal employment of such female, in any prosecution brought therefor.

SEC. 13554. *Hindering officials.*—No person shall hinder or delay the commissioner of labor and industry or any of his deputies in the performance of his duties in the enforcement of this act, or refuse to admit, or lock out, any inspector from any place while females are employed therein, and which said inspector shall be authorized to inspect, or refuse to give any inspector information required for the proper enforcement of this act.

SEC. 13555. *Enforcement.*—It shall be the duty of the commissioner of labor and industry and his deputies to enforce all the provisions of this act. They shall visit and inspect establishments, and shall have power at any reasonable time to visit and inspect any establishment in or in connection with which any female shall be employed or permitted to work. They shall investigate all complaints of violations of this act received by them, and shall institute prosecutions for violations of the provisions thereof.

SEC. 13557. *Violations.*—[Violations are punishable by fines from $10 to $50 for first offense, and from $25 to $200 for a second offense, or by imprisonment not more than sixty days, or both. Penalties may be imposed for the violation of each of two or more sections or provisions.]

SEC. 13561. *Construction.*—Nothing in this act shall be construed to prevent females of any age from receiving industrial training or other education in, or in connection with, any school or educational institution in this Commonwealth.

Each section of this act and every part thereof is hereby declared to be an independent section, or part of a section, and if any section, subsection, sentence, clause, or phrase of this act shall for any reason be held unconstitutional, the validity of the remaining phrases, clauses, sentences, subsections, and sections of this act shall not be affected thereby.

SEC. 13563. *Power of board.*—The industrial board of the department of labor and industry may modify the provisions of the act to which this is a supplement [No. 466, Acts of 1913], governing the employment of females, except as hereinafter provided, whenever, in the opinion of a majority of the members of the said board after due hearing upon petition filed, such modification may be justified and warranted, and will not result in or tend to the injury of the public health and welfare or of the health and welfare of the females sought to be affected by such modification.

SEC. 13565. *Petition.*—The request for such modification shall be by written petition filed with said board, and shall contain, in addition to such provisions as said board may from time to time prescribe, a complete statement of the character of the establishment and work to be affected, the number of females employed, the modification desired, and the reason therefor, which petition shall be verified by the oath or affirmation of the applicant or of an officer thereof; and any modification made by said board, pursuant to said application and in accordance with the provisions of this act, shall apply only to the particular establishment, or department thereof, referred to in said petition.

SEC. 13567. *Appeals.*—Any person, firm, or corporation affected by any modification granted by said board as aforesaid may, within ten days after said board has filed its opinion, appeal therefrom to the said industrial board, as provided for in section 13496; * * * whereupon said board shall proceed to the consideration thereof as in said act provided; or may, within said time, appeal to a court of common pleas of the Commonwealth of Pennsylvania in the manner now provided by law.

SEC. 13569. *How modifications made.*—Said board shall not make or decree such modification except upon the agreement of a majority of all its members, and shall file at its office at Harrisburg a written opinion, wherein shall be contained a copy of the petition filed, the testimony taken, the decisions of the board and its reasons therefor. Any modification so made may be changed or withdrawn by said board, by the action of a majority of the members thereof, or by the commissioner of the department of labor and industry whenever, in his opinion, prompt action is necessary and the attendance of a majority of the members of said board can not be secured, upon due notice to the owner of the establishment to be affected thereby; service of which notice and of any other notice required herein may be had by mailing a copy thereof to the last known post-office address of such establishment: *Provided*, That whenever the said commissioner takes such action he shall immediately report the same and his reasons therefor to the said board for record.

SEC. 13571. *Powers limited.*—Nothing in this act contained shall have the effect of, or be construed as, conferring power or authority on said board or on said commissioner to increase the maximum hours of labor per week, established by the terms of the act to which this is a supplement, which maximum of hours per week shall be and remain as in said act established; and nothing in this act contained shall have the effect of, or be construed as, applying to females employed in manufacturing establishments.

SEC. 13573. *Notice.*—Whenever any modification, or a change or withdrawal thereof, shall have been ordered as aforesaid, detailed notice thereof shall be mailed to the establishment affected in the manner aforesaid.

SEC. 13574. *Rules.*—Said board shall, from time to time, prescribe rules and regulations, not inconsistent herewith, governing the preparation and filing of petitions, the manner and time of service of all notices herein required; and shall have power to administer oaths, to subpœna witnesses and to compel obedience thereto, in the same manner, with like effect, and under like penalties as are now or hereafter may be provided by law with reference to proceedings by or before said board.

SEC. 13575. *Violations.*—Violations of any of the terms of such modifications, or of such changes or withdrawals thereof, as aforesaid, shall be deemed a misdemeanor, and upon conviction thereof, shall be punishable in the same manner and to the same extent as is now provided for violations of the provisions of the act to which this is a supplement.

SEC. 13576. *Expense.*—The members of the said board shall perform the duties herein imposed upon them without additional compensation, but may incur such reasonable expense as may be necessary to the proper administration of the provisions of this act and the enforcement thereof.

SEC. 13577. *Fire drills monthly.*—In all factories and industrial establishments where women or girls are employed, and where fire escapes, appliances for the extinguishment of fires, or proper and sufficient exits in case of fires or panic, either or all, are required by law to be maintained, fire drills shall be periodically conducted, not less than once a month, by the person or persons in charge, under rules and regulations to be promulgated, in cities of the first and second classes, by the fire marshal, and, elsewhere in the Commonwealth, by the chief factory inspector, in which the persons employed in such factories or establishments shall be instructed in, and made thoroughly familiar with, the use of the said fire escapes, appliances, and exits; which said drill shall include the actual use of the same, and the complete removal of the persons, in an expeditious and orderly manner, by means of such fire escapes and exits, from the building to a place of safety on the ground outside.

SEC. 13578. *Enforcement.*—The fire marshal and his assistants in cities of the first and second classes, and the chief factory inspector and several deputy inspectors elsewhere in the Commonwealth, are hereby required to see that the provisions of this act are faithfully carried out.

SEC. 13579. *Violations.*—[Violations are punishable by fines of not less than $25 nor more than $500, and imprisonment not less than ten days nor more than sixty days, or both.]

SECS. 13580–13585. *Coal mines.*—[The employment of women and girls or of boys under 16 in mines and collieries, or of boys under 14 or females in or about the outside structures of the same, is forbidden; but this does not affect the employment of any person of suitable age in offices or for clerical work.]

Factory, etc., regulations

SECTION 13586. *Wash rooms.*—[Suitable toilet facilities and wash rooms must be provided in foundries for the casting of iron, steel, brass, or other metal or any rolling mill, boiling mill, heating mill, or finishing mill.]

SEC. 13587. *Access.*—[Said toilet rooms or water-closets shall be situated so that access may be had without exposure to the open air.]

SEC. 13588. *Violations.*—[Violations are punished by fines not exceeding one hundred dollars.]

SEC. 13591. *Belt shifters, guards, etc.*—The owner or person in charge of an establishment where machinery is used shall provide belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws, grindstones, emery wheels, fly wheels, and machinery of every description shall be properly guarded. The floor space of no working room in any establishment shall be so crowded with machinery as thereby to cause risk to the life or limb of an employee; nor shall there be in any establishment machinery in excess of the sustaining power of the floors and walls thereof. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans while the same are in use, except for the purpose of immediately making repairs thereto, and all such safeguards so removed

shall be properly replaced. Exhaust fans of sufficient power, or other sufficient devices, shall be provided for the purpose of carrying off poisonous fumes and gases, and dust from emery wheels, grindstones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof may be prohibited by the chief factory inspector or by his deputy, and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machinery is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

The protection provided for employees by this section can not be waived by them. An employer failing to install the prescribed appliances can not plead assumption of risks as a defense. 74 Atl. 613; 75 Atl. 728.

Sec. 13592 (as amended 1923, No. 298B). *Elevators, etc.*—[All elevators, dumb-waiters, escalators, hoists or other conveyances for raising or lowering persons or material must be constructed, operated and inspected in accordance with rules and regulations of the department of labor and industry. This does not apply in cities of the first and second classes.

Inspectors must pass a written examination, fee $10, and secure a certificate, fee $5, renewable annually on payment of a fee of $3. Certificates of operation are granted on examination, valid for a period specified by the rules of the commissioner. An inspection fee not exceeding $1 per annum is charged.]

Sec. 13593. *Air space.*—The owner, agent, lessee, or other person having charge or managerial control of any establishment shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment, where persons are employed, and shall provide that all workrooms, halls, and stairways in said establishment be kept in a clean and sanitary condition and properly lighted.

Sec. 13594. *Manufactures in tenements.*—No person, firm, or corporation engaged in the manufacture or sale of clothing or other wearing apparel, cigars, or cigarettes, shall bargain or contract with any person, firm, or corporation for the manufacture, or partial manufacture, of any of said articles or goods where the same are to be made in any kitchen, living room, or bedroom in any tenement house or dwelling house, except where the persons bargaining or contracting to make or partially make any of the aforesaid articles or goods are resident members of the family, residing in such tenement house or dwelling house where the said articles or goods are to be made or partially made, and who have furnished the person, firm, or corporation engaged in the manufacture or sale of said articles or goods, and with whom the bargain or contract is to be made, a certificate from the board of health of the city or town in which such tenement house or dwelling house is situated that the same is free from any infectious or contagious disease; which certificate may be revoked by the board of health whenever the exigencies of the case shall require: *Provided*, That the term "family" in this section shall include only the parents and their children, or the children of either.

Sec. 13595. *Inspection required.*—No person, firm, or corporation engaged in the manufacture or sale of any of the articles or goods enumerated in section fourteen [13594] of this act shall bargain or contract with any person, firm, or corporation for the manufacture, or partial manufacture, of any of the said articles or goods in any workshop, not part of a tenement or dwelling house, unless the said workshop shall have been inspected by the chief factory inspector or by one of his deputies, and who shall have issued a printed permit to the person in charge of such workshop, stating that the same is in a clean and safe and sanitary condition, and fixing the maximum limit to the number of persons who may be employed therein; the permit to be posted and kept posted in a conspicuous place in such workshop: *Provided*, That this section shall not apply to any workshop wherein the aforesaid articles or goods are manufactured for the general trade, and are to be sold and delivered in or upon the premises, and are not manufactured, or partially manufactured, under a bargain or contract with any person, firm, or corporation employed in the manufacture and sale of the article aforesaid.

Sec. 13597. *Permits canceled, when.*—Whenever the sanitary conditions of any workshop, as defined in section fifteen [13595], is dangerous to the health and safety of the employees therein or to the public, the chief factory inspector

or his deputy shall cancel the permit aforesaid and shall order that the workshop be vacated until the provisions of this act shall have been complied with and the workshop restored to proper sanitary condition.

Sec. 13598 (as amended 1923, No. 297B). *Steam boilers.*—[All boilers used for generating steam or heat, in other than domestic, mining, or agricultural establishments, must be constructed, installed, and operated in accordance with rules and regulations of the department of labor and industry, and inspected by an inspector examined and commissioned under such rules. Inspections by commissioned insurance or city inspectors are accepted, as well as by inspectors of the department. Annual internal and external inspections, not under pressure, are required, for which a fee of $6.50 is required. The fee for inspection under operating conditions is $2.50, no total to exceed $10 per year.

An annual certificate for operation is issued for a fee of $1.

Boilers subject to Federal control, fire engines, and automobiles are not governed by this act.

The fee for an inspector's examination for commission is $10.]

Sec. 13599. *Accidents.*—It shall be the duty of the owner or superintendent of any establishment to report, in writing, to the chief factory inspector every serious accident or serious injury done to any person in his or her employ, where such accident or serious injury occurred in or about the premises where employed, within twenty-four hours after the accident or injury occurs, stating as fully as possible the cause of such accident or injury; and in all fatal and serious accidents the chief factory inspector or his deputy may subpœna witnesses, administer oaths, and do whatever may be necessary in order to make a thorough and complete investigation of the same: *Provided, however*, That the provisions of this section shall not be construed as interfering with the duties of the coroners, under existing laws.

Sec. 13600. *Duty of owner, etc.*—It shall be the duty of the owner, superintendent, assistant or person in charge of any establishment to furnish, from time to time, to the chief factory inspector or his deputy any information required by the provisions of this act, and the chief factory inspector and his deputies shall have authority to inspect any such establishment, at any time, for the purpose of enforcing the provisions of this act.

Sec. 13601. *Fire escapes, etc.*—Wherever the law makes it the duty of the owner, lessee, or other person in charge of any building, or room or rooms in any building, to erect and maintain fire escapes, or appliances for the extinguishment of fire, or for proper and sufficient exits in case of fire or panic, the chief factory inspector or his deputy shall inspect all said buildings, or the room or rooms in said buildings, and notify the owners, lessees, or other persons in charge of same, to comply with said law. And all fire escapes, exits and fire-extinguishing appliances shall be provided and located by order of the chief factory inspector or his deputy, and shall be subject to the approval of the chief factory inspector or his deputy: *Provided*, That the provisions of this section shall not apply to cities of the first and second classes.

Sec. 13603. *Violations.*—[Violations are punishable by fine of not less than $25 nor more than $500 or imprisonment not less than ten days nor more than sixty days, or both.]

Employment of a child in violation of the statute is evidence of negligence. While the statute is penal, fine and imprisonment are not exclusive remedies, but an action for damages will lie where injury results from the unlawful employment of a child. 60 Atl. 1116.

Protection of employees on buildings

Section 13607. *Protective floors to be laid.*—On and after the passage of this act it shall be the duty of the party or parties having charge of the construction of any new building hereafter erected in this Commonwealth, to have the joists or girders of each floor above the third story covered with rough scaffold boards or other suitable material, as the building progresses, so as to sufficiently protect the workmen either from falling through such joists or girders, or to protect the workmen or others, who may be under or below each floor, from falling bricks, tools, mortar or other substances whereby accidents happen, injuries occur and life and limb are endangered.

Sec. 13608. *Penalty.*—For every violation of this act a penalty, not exceeding one hundred dollars for each floor of joists or girders left uncovered, shall be imposed, to be collected as fines and penalties are usually collected.

Factory, etc., regulations

SECTION 13609. *Blowers required.*—All persons, companies, or corporations operating any factory or workshop where emery wheels or emery belts of any description are used, either solid emery, leather, leather-covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside, or under such wheels or belts, in such a manner as to protect the person or persons using the same from the particles of dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act: *And provided*, This act shall not apply to factories or workshops where men are not employed continuously at such wheels or belts more than three hours in twenty-four hours.

SEC. 13610. *Hoods.*—It shall be the duty of any person, company, or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery, or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every wheel shall be fitted with a sheet of case iron or hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction-pipe attached to same hood or hopper.

SEC. 13611. *Access to premises.*—The inspectors of the department of labor and industry are hereby authorized to enter and inspect all factories and workshops for the purpose of enforcing the provisions of this act.

SEC. 13612. *Violations.*—[Penalty for violation is a fine, $100 to $300.]

SEC. 13613. *Labor camps, etc.*—The commissioner shall inspect all labor camps and housing accommodations for employees, maintained directly or indirectly in connection with any work or place where work is being performed, and all places established for the temporary shelter and care of aliens and unemployed persons, and prescribe minimum standards of sanitation for all such labor camps, accommodations, and temporary quarters.

SEC. 13614. *Aliens.*—The commissioner shall investigate the general industrial, social, and educational welfare and conditions of aliens within the State, for the purpose of cooperating with the various agencies of the State possessing the requisite jurisdiction in securing such remedial action as may be necessary.

SEC. 13615. *Sale of tickets, etc.*—The commissioner shall enforce all laws pertaining to the sale of steamship tickets or orders for transportation; and prescribe rules and regulations for the protection of purchasers in the purchase of and cancellation of third-class or steerage tickets, or orders for transportation; investigate conditions prevailing at all docks, ferries, railway stations, and other places where employees or aliens arrive or depart; and, in cooperation with the proper authorities, afford such employees or aliens protection against frauds, crimes, and exploitations; investigate all complaints of employees and aliens with respect to frauds, extortion, and improper practices by any person or corporation, whether public or private, and present to the proper authorities the results of such investigation for action thereon.

Employment of labor—Foremen, etc., accepting fees

SECTION 13628. *Accepting fees a misdemeanor.*—Any officer or employee of any employer of labor, in this Commonwealth, who shall solicit, demand, or receive, directly or indirectly, from any person or persons, moneys or other valuable thing, for the purpose, actual or alleged, of either obtaining for the latter employment in the service of said employer or of the continuing by the party so paying or solicited in said employment, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars and not more than three hundred dollars, and undergo an imprisonment of not less than three months nor more than one year, either or both, at the discretion of the court.

Factory regulations, etc.—Occupational diseases

SECTION 13661. *Prevention.*—Every employer shall, without cost to the employees, provide reasonably effective devices, means, and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged in the industries and occupations specified in section two [13662] of this act.

SEC. 13662. *Dangerous occupations.*—Every work or process in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or fluosilicate is hereby declared to be especially dangerous to the health of the employees who, while engaged in such work or process are exposed to lead dusts, lead fumes, or lead solutions.

SEC. 13663. *Duty of employer.*—Every employer shall, without cost to the employees, provide the following devices, means, and methods for the protection of his employees, who, while engaged in any work or process included in section two [13662] are exposed to lead dusts, lead fumes, or lead solutions:

(a) The employer shall provide and maintain workrooms, adequately lighted and ventilated, and so arranged that there is a continuous and sufficient change of air; and all such rooms shall be fully separated by partition walls from all departments in which the work or process is of nondusty character; and all such rooms shall be provided with a floor permitting an easy removal of dust by wet methods or vacuum cleaning, and all such floors shall be so cleaned daily.

Every work or process referred to in section two [13662] including the corroding or oxidizing of lead, and the crushing, mixing, sifting, grinding, and packing of all lead salts or other compounds referred to in section two [13662], shall be so conducted, and such adequate devices provided and maintained by the employer, as to protect the employee as far as possible from contact with lead dust or lead fumes. Every kettle, vessel, receptacle, or furnace in which lead, in any form referred to in section two [13662], is being melted or treated, and any place where the contents of such kettles, receptacles, or furnaces are discharged, shall be provided with a hood connected with an efficient air exhaust; all vessels or containers, in which dry lead in any chemical form or combination referred to in section two [13662], is being conveyed from one place to another within the factory, shall be equipped, at the places where the same are filled or discharged, with hoods having connection with an efficient air exhaust; and all hoppers, chutes, conveyers, elevators, separators, vents from separators, dumps, pulverizers, chasers, dry pans, or other apparatus for drying pulp lead, dry pans, dump, and all barrel packers and cars, or other receptacles into which corrosions are at the time being emptied, shall be connected with an efficient dust-collecting system; such system to be regulated by the discharge of air from a fan, pump, or other apparatus, either through a cloth dust collector, having an area of not less than one-half square foot of cloth to every cubic foot or air passing through it per minute, the dust collector to be placed in a separate room, which no employee shall be required or allowed to enter except for essential repairs while the works are in operation, or such other apparatus as will efficiently remove the lead dusts from the air of the workrooms.

(b) The employer shall provide a wash room, or rooms, which shall be separate from the workrooms, be kept clean, and be equipped with:

(1) Lavatory basins, fitted with waste pipes and two spigots conveying hot and cold water; or

(2) Basins placed in troughs fitted with waste pipes, and for each basin two spigots conveying hot and cold water; or

(3) Troughs of enamel, or similar smooth impervious material, fitted with waste pipes, and for every two feet of trough length two spigots conveying hot and cold water.

Where basins are provided there shall be at least one basin for every five such employees; and where troughs are provided, at least two feet of trough length for every five such employees. The employers shall also furnish nailbrushes and soap, and shall provide at least three clean towels per week for each such employee. A time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said wash room before the lunch hour and at the close of the day's work.

The employer engaged in the manufacture of white lead, red lead, litharge, sugar of lead, arsenate of lead, lead chromate, lead sulphate, lead nitrate, or

fluosilicate shall also provide at least one shower bath for every ten such employees. The baths shall be approached by wooden runways, be provided with movable wooden floor gratings, be supplied with controlled hot and cold water, and be kept clean. The employer shall furnish soap, and shall provide at least two clean bath towels per week for each such employee. An additional time allowance of not less than ten minutes, at the employer's expense, shall be made to each such employee for the use of said baths, at least twice a week, at the close of the day's work. The employer shall keep a record of each time that such baths are used by each employee, which record shall be open to inspection at all reasonable times by the State department of labor and industry, and also by the State department of health.

(c) The employer shall provide a dressing room, or rooms which shall be separate from the workrooms, be furnished with a double sanitary locker or two single sanitary lockers for each such employee, and be kept clean.

(d) The employer shall provide an eating room or eating rooms, which shall be separate from the workrooms, be furnished with a sufficient number of tables and seats, and be kept clean. No employee shall take, or be allowed to take, any food or drink of any kind into any workroom, nor shall any employee remain, or be allowed to remain, in any workroom during the time allowed for his meals.

(e) The employer shall provide and maintain a sufficient number of sanitary drinking fountains, readily accessible for the use of employees.

(f) The employer shall provide at least one pair of overalls and one pair of jumpers for each such employee and repair or renew such clothing when necessary, and wash the same weekly.

(g) The employer shall provide, and renew when necessary, at least one reasonably effective respirator for each employee who is engaged in any work or process included in section two [13662].

Sec. 13664. *Duty of employees.*—Every employee who, while engaged in any work or process included in section two [13662], is exposed to lead dusts, lead fumes, or lead solutions, shall—

(a) Use the washing facilities provided by the employer in accord with section three (b) [13663 (b)], and wash himself at least as often as a time allowance is therein granted for such use;

(b) Use the eating room provided by the employer in accord with section three (d) [13663 (d)], unless the employee goes off the premises for his meals;

(c) Put on, and wear at all times while engaged in such work or process, a suit of the clothing provided by the employer in accord with section three (f) [13663 (f)], and remove the same before leaving at the close of the day's work, and keep his street clothes and his working clothes, when not in use, in separate lockers or separate parts of the locker provided by the employer in accord with section three (c) [13663 (c)];

(d) Keep clean the respirators provided by the employer in accord with section three (g) [13663 (g)], and use one at all times while he is engaged in any work or process included in section two [13662] of this act.

Sec. 13665. *Instructions to be posted.*—The employer shall post in a conspicuous place in every workroom where any work or process included in section two [13662] is carried on, in every room where washing facilities are provided, and in every dressing room and eating room, a notice of the known dangers arising from such work or process, and simple instructions for avoiding, as far as possible, such dangers. The commissioner of labor and industry shall prepare a notice containing the provisions of this act, and shall furnish free of cost a reasonable number of copies thereof to every employer included in section two [13662], and the employer shall post copies thereof in the manner hereinbefore stated. The notices required in this section shall be printed in plain type, on cardboard, and shall be in English and in such other languages as the circumstances may reasonably require. The contents of such notices shall be explained to every employee by the employer, when the said employee enters employment in such work or process; interpreters being provided by the employer when necessary to carry out the above requirements.

Sec. 13666. *Physician's examinations.*—The employer shall cause every employee who, while engaged in any work or process included in section two [13662], is exposed to lead dust, lead fumes, or lead solutions, to be examined at least once a month, for the purpose of ascertaining if symptoms of lead poisoning appear in any employee. The employee shall submit himself to the monthly examination, and to examination at such other times and places as he

may reasonably be requested by the employer, and he shall fully and truly answer all questions bearing on lead poisoning asked him by the examining physician. The examinations shall be made by a licensed physician, designated and paid by the employer, and shall be made during the working hours, a time allowance therefor at the employer's expense being made to each employee so examined.

SEC. 13667. *Record.*—Every physician making an examination, under section six [13666], and finding what he believes to be symptoms of lead poisoning, shall enter, in a book kept for that purpose in the office of the employer, a record of such examination, containing the name and address of the employee so examined, the particular work or process in which he is engaged, the date, place, and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the State department of labor and industry and by the State department of health.

Within forty-eight hours after such examination and finding the examining physician shall send a report thereof, in duplicate—one copy to the State department of labor and industry and one to the State department of health. The report shall be on, or in conformity with, blanks to be prepared and furnished by the State department of health, free of cost, to every employer included in section two [13662], and shall state: (a) name, occupation, and address of employee; (b) name, business, and address of employer; (c) nature and probable extent of disease; and (d) such other information as may be reasonably required by the State department of health.

The examination [sic] physician shall, also, within the said forty-eight hours, report such examination and finding to the employer; and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, included in section two [13662] of this act.

SEC. 13668. *Enforcement; violations.*—[Enforcement rests with the department of labor and industry. Employers violating secs. 13661 or 13663 may be fined $100 to $200 for a first offense, $200 to $500 for a second, and $300 to $1,000 for subsequent offenses, to stand committed until fine and costs are paid. Employees violating sec. 13664 may be fined $10 to $20 for a first offense, $20 to $50 for a second, and $30 to $100 for subsequent offenses, to stand committed until fine and costs are paid. Employers violating secs. 13665, 13666, or 13667, and employees violating sec. 13666, are to be fined $10 to $100.]

SEC. 13669. *Definition.*—In this act [secs. 13661–13669], unless the context otherwise requires, "employer" includes persons, firms, partnerships, limited partnerships, and corporations.

Vocational rehabilitation of injured workmen

SECTION 13671. *Definitions.*—(a) The term "bureau" as used in this act, shall mean bureau of rehabilitation.

(b) The term "commissioner" shall mean the commissioner of labor and industry.

(c) The term "physically handicapped person" or "person," wherever used in this act, shall mean any resident or residents of the Commonwealth of Pennsylvania whose capacity to earn a living is in any way destroyed or impaired throug industrial accident occurring in the Commonwealth.

(d) "Rehabilitation" shall mean the rendering of a physically handicapped person fit to engage in a remunerative occupation.

SEC. 13672. *Bureau of rehabilitation.*—A bureau of rehabilitation is hereby established in the department of labor and industry. The central office of the bureau shall be located in the city of Harrisburg.

SEC. 13673. *Chief.*—The commissioner, with the approval of the governor, shall appoint a chief of the bureau of rehabilitation, who shall be subject to the direction and supervision of the commissioner, and shall fix his salary, which, when so fixed, shall be paid out of the sums hereinafter appropriated.

SEC. 13674. *Duties.*—It shall be the duty of the chief of the bureau of rehabilitation to direct, as hereinafter provided, the rehabilitation of any physically handicapped person: *Provided*, That said duty of the chief of the bureau shall not be construed to apply to aged or helpless persons requiring permanent custodial care, or to blind or deaf persons under the care of any State or semi-State institution, or to any epileptic or feeble-minded person, or to any person who may not be susceptible to such rehabilitation.

SEC. 13675. *Powers.*—The chief of the bureau of rehabilitation shall have power with the approval of commissioner:

(a) To establish relations with all public and private hospitals to require prompt and complete reports of any physically handicapped persons under treatment in such hospitals. The persons thus reported may be promptly visited by representatives of the bureau of rehabilitation, who shall make record of their condition, and report to the chief of the bureau, who shall then determine whether the person is susceptible to rehabilitation. Such persons as may be found susceptible shall be acquainted by the chief of the bureau with the rehabilitation facilities offered by the State and the benefits of entering upon remunerative work at an early date. Any physically handicapped person who chooses to take advantage of these rehabilitation facilities shall be registered with the chief of the bureau, and a record kept of every such person, and the measures taken for his or her rehabilitation. The chief of the bureau shall proffer to any such person counsel regarding the selection of a suitable occupation and of an appropriate course of training, and shall initiate definite plans for beginning rehabilitation as soon as the physical condition of the person permits.

(b) To receive applications of any physically handicapped persons for advice and assistance regarding their rehabilitation. The persons thus known to be physically handicapped may be visited, examined, and advised in the same manner and for the same purposes as specified in clause (a) of this section.

(c) To make a survey to ascertain the number and condition of physically handicapped persons within the Commonwealth. The persons thus known to be physically handicapped may be visited, examined, registered, and advised in the same manner and for the same purpose as specified in clause (a) of this section.

(d) To arrange for such therapeutic treatment as may be necessary for the rehabilitation of any physically handicapped persons who have registered with the chief of the bureau.

(e) To procure and furnish at cost to physically handicapped persons who have registered with the chief of the bureau limbs and other orthopedic and prosthetic appliances, to be paid for in easy installments, when such appliances can not be otherwise provided: *Provided, however*, That if it be shown that any physically handicapped person is unable to pay for such artificial limbs or other appliances, the chief of the bureau may direct, with the approval of the commissioner, that such limbs or appliances shall be supplied to such physically handicapped person and the cost thereof paid out of the funds appropriated for the rehabilitation activities of the bureau; such payments to be made by the State treasurer on the warrant of the auditor general or requisition of the commissioner of labor and industry.

(f) To arrange with the superintendent of public instruction for training courses in the public schools in the Commonwealth in selected occupations for physically handicapped persons registered with the chief of the bureau.

(g) To arrange with any educational institution for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(h) To arrange with any public or private organization or commercial, industrial, or agricultural establishment, for training courses in selected occupations for physically handicapped persons registered with the chief of the bureau.

(i) To provide maintenance costs during the prescribed period of training for physically handicapped persons registered with the chief of the bureau: *Providing*, That when the payment of maintenance costs is authorized by the chief of the bureau, with the approval of the governor, it shall not exceed fifteen dollars ($15) per week, and the period during which it is paid shall not exceed twenty weeks, unless an extension of time is granted by the commissioner; said payments to be made by the State treasurer on the warrant of the auditor general on requisition of the commissioner of labor and industry.

(j) To arrange for social service, for the visiting of physically handicapped persons registered with the chief of the bureau and of their families in their homes, during the period of treatment and training and after its completion, to give advice regarding any matter that may affect rehabilitation.

(k) To conduct investigations and surveys of the several industries located in the Commonwealth to ascertain the occupations within each industry in

which physically handicapped persons can enter upon remunerative employment under favorable conditions, and work with normal effectiveness, and to determine what practicable changes and adjustments in industrial operations and practices may facilitate such employment.

(l) To make such studies and reports as may be helpful for the operation of this act.

(m) To cooperate with any department of the Federal Government or of the government of this Commonwealth or with any private agency in the operation of this act.

SEC. 13676. *Employees.*—The commissioner, with the approval of the governor, shall appoint such officers, physicians, clerks, stenographers, and other employees, as shall be necessary to carry out the purposes of this act. He shall determine their duties, and shall fix their salaries, which when so fixed shall be paid out of the sums hereinafter appropriated. The board of public grounds and buildings shall furnish suitable accommodations for the use of the bureau.

SEC. 13677. *Reports.*—A report on the activities of the bureau of rehabilitation authorized by this act shall be submitted biennially to the governor, together with a statement of the sum necessary to conduct said activities during the ensuing two years.

MINE REGULATIONS

I. Department of mines

SECTIONS 15066–15077, 15078 (as amended 1923, No. 248), 15079–15091. *Powers, duties, etc.*—[The department of mines is charged with the supervision of the execution of the mining laws of the State, the care and publication of inspectors' reports, the certification of qualified applicants for positions as mine foremen and assistant foremen, and must preserve maps and plans of mines filed with the department, and investigate and report on the various systems of coal mining, ventilation, use of machinery, etc. The chief of the department (designated secretary of mines; sec. No. 274, Acts of 1923) must have had at least 10 years' practical experience as a miner and the qualifications of an inspector. He also has the power of an inspector to enter mines and inspect the works and machinery. He may discharge any inspector for neglect of duty, subject to right of appeal to the governor. Annual reports of the inspectors are to be received and a synopsis made and published, together with statistical data and reports of other work of the department that is of public interest.]

II. Anthracite mines

SECTIONS 15091a, 15092. *Scope.*—[Mines employing not more than 10 men are excluded. Operations both above and below ground are covered, including abandoned workings as well as those in use.]

SECS. 15093, 15094, 15102 (as amended 1921, No. 290), 15106, 15110, 15112–15114. *Inspectors; districts.*—[Eight inspection districts are created, seven of one county each, and one of three counties, for each of which inspectors ranging from one to nine in number are provided.

Inspectors must reside in their inspection districts, and give all their time to their duties. Each mine must be examined at least quarterly, and a report made of the condition of each working face, such report, or a duplicate, to be placed in a glass-faced case furnished by the operator, and to be posted in a conspicuous place at the mine. Access must be given to every portion of the mine.]

SECS. 15118–15127. *Maps and plans.*—[Owners, operators or superintendents must furnish accurate maps or plans, extensions to be made every six months. In case of failure, inspectors make copies at the cost of the owner. Miners may examine maps in the presence of the inspectors whenever there is reason to fear that workings are approaching places containing water or dangerous gases.]

SECS. 15128–15181. *Safety.*—[At least two openings are required from every seam, stratum or lift thereof, separated by at least 60 feet under ground and 150 feet at the surface; no inflammable structures must be placed over openings; railing or gates must guard the top of shafts; abandoned slopes, etc., must be fenced; cages protected; signal systems established; hoisting apparatus be suitably equipped and inspected daily; props and timbers furnished; ven-

tilation maintained; boilers kept in good condition with inspection at least every six months; qualified engineers and oilers employed; machinery safeguarded, etc. If 20 or more men employed in any mine make request in writing, a suitably equipped washhouse must be supplied, properly lighted and heated, for the use of the workmen.]

Secs. 15182–15199. *Provisions for accidents.*—[Medical rooms with designated supplies must be furnished at all anthracite mines employing 10 or more men, at which injured men must be cared for. At mines employing 20 or more men motor ambulances and at least two pairs of stretchers must be provided. Mines not over 4 miles apart may combine to maintain an ambulance; or if all workmen reside within one-half mile of the principal entrance, none need be provided. Superintendents have charge of ambulances, and must see that they are kept in good condition.]

Secs. 15200–15207. *Mine foremen and fire bosses.*—[Mine foremen and assistants must hold certificates of qualification or service, unless in the judgment of the employer they are qualified and competent for the position. Boards of examiners consist of the district inspector and of two miners and one owner, operator or superintendent of mines, these to be appointed by the county judge. Applicants must have had at least 5 years' experience and pass a satisfactory examination. The employment of a mine foreman is required.

Fire bosses must have had 5 years' experience, at least 3 in gaseous mines, which fact must be certified to before a person authorized to administer oaths.]

Secs. 15208–15227. *Miners' examining boards.*—[Boards in each inspection district, consisting of 9 miners each, appointed by the county judges, constitute boards for the examination and registration of miners. Applicants must have had at least two years' practical experience and be able to answer intelligently and correctly at least 12 questions in the English language as to the requirements of a practical miner and must be identified under oath by at least one practical miner holding a miner's certificate. The fee for examination and registration is $1, and the fee for the registration of a miner who has been examined and registered by any other board is 25 cents.]

Secs. 15231–15295. *Rules.*—[General rules regulate ventilation, inspection, the use of safety lamps, blasting, and the handling and storage of explosives, hoisting, precautions against gas and accumulations of water, haulage, travel ways, etc. Special rules are to be established in every mine or colliery suited to the particular circumstances and conditions of the place.]

Secs. 15296–15303. *Accidents.*—[District inspectors are to be promptly notified of the loss of life of miners or other employees, to visit and inspect the place of the accident as soon as possible, and to make suggestions for safety. If an inquest is found necessary, it shall be held in accordance with provisions laid down in the act. No employee or person interested in the mine shall act as a juror at the inquest. Notices must be given inspectors of all serious accidents, of the opening and closing of mines, of the removal of pillars, of squeezes or crushes affecting safety, of fires, and of the finding of any dangerous body of gas.]

Sec. 15304. *Reports.*—[Annual reports are to be made to the district inspector showing for each mine the amount of coal mined, quantity of explosives used, number of employees classified as to kind of work, etc.]

Secs. 15305–15314. *Violations.*—[If an inspector finds conditions unsafe in some respect not covered by the act, he may demand that the same be remedied, subject to the right of the owner or operator, and have the question submitted to arbitration. The operation of mines not complying with the act may be forbidden by the courts. Citizens may file complaints of noncompliance. Offenses are punishable as misdemeanors, and in default of payment of fines, imprisonment from 30 days to 3 months is the penalty. Conviction or acquittal is not evidence in actions for damages. Inspectors violating their duties may be fined not over $300 or imprisoned not over 3 months.]

Secs. 15315–15320. *Weighing coal.*—[The coal mined by each miner must be accurately and separately weighed before being dumped from the mine car, and a record kept. The miners may employ at their own expense a checkweighman to make and keep a record of such weights. It is a misdemeanor to remove from any car the ticket or other mark which is used to indicate the person entitled to pay therefor.]

III. Bituminous mines

Sections 15331–15602. *Safety, etc., provisions.*—[The code for bituminous mines covers practically the points enumerated in the anthracite code, besides special provisions regulating electrical installations. Maps and plans are required, the duties and qualifications of foremen, bosses, etc., are prescribed, with the methods of examination and certification. Miners may not be employed to blast coal, rock or slate unless the employer is satisfied that they are qualified to perform the work, nor may inexperienced persons mine out pillars, or work in gaseous or dusty mines, unless accompanied by one or more experienced miners; the registration of bituminous miners is not required.

Escapes, travel ways, ventilation, blasting, hoisting and lowering workmen, signal apparatus, the use of safety lamps, illuminating and lubricating oils, etc., are regulated. Detailed provisions for electric installations cover wiring, switch boards, transformer stations, transmission circuits, motors, locomotives, lighting, the firing of shots by electricity, and electric signaling.

Provisions in case of accidents, accident reports, the supply and equipment of wash houses, and rules covering the duties of each class of employees are embodied in the act. Twenty-five inspection districts are provided for, and the mode of the appointment of inspectors regulated. Coal must be weighed before screening, and checkweighmen may be employed.]

IV. General provisions

Section 15603. *Entombed miners.*—[The courts may act on the petition of the relatives of entombed miners, to determine the practicability of the recovery of the bodies of such miners.]

Sec. 15604. *Endangering life, etc.*—[Knowingly injuring any safety lamp, water gauge, air course, etc., carrying lighted pipes or matches in places worked by safety lamps, disobeying orders, and other offenses endangering security of the mines or machinery, are misdemeanors.]

Sec. 15606. *Payment for coal mined.*—[Payment is required for all merchantable coal mined irrespective of size.]

Sec. 15607. *Fees for employment.*—[Superintendents, foremen, etc., receiving or soliciting money or other thing of value from employees to secure or retain employment are subject to a fine of from $50 to $300, "and an imprisonment of not less than six months, or both, in the discretion of the court."]

Secs. 15608, 15609. *Inside constructions.*—[All buildings inside of any coal mine must be of incombustible materials, approved by the chief of the department of mines, under penalty of a fine of $500.]

Sections 15613–15684. *Hospitals; miners' home.*—[Hospitals are provided for miners in the anthracite region and the bituminous region for the treatment without charge of persons injured in the mines, in workshops, and in other industries. Paying patients may be admitted, if room is available. Contributions may be made by employers and others.

A miners' home is provided for citizens who have worked in or about the mines of the State for 25 years and are 60 years of age, or for employees incapacitated by accident or by "miners' asthma." Wives of eligible miners are also eligible. Entrants must assign all property to the home, title passing if they remain as long as six months in the home, or die within that period.]

Liability of employers for injuries to employee

Section 15980. *Fellow-service not a defense, when.*—In all actions brought to recover from an employer for injury suffered by his employee, the negligence of a fellow-servant of the employee shall not be a defense, where the injury was caused or contributed to by any of the following causes; namely,—

Any defect in the works, plant, or machinery, of which the employer could have had knowledge by the exercise of ordinary care; the neglect of any person engaged as superintendent, manager, foreman, or any other person in charge or control of the works, plant, or machinery; the negligence of any person in charge of or directing the particular work in which the employee was engaged at the time of the injury or death; the negligence of any person to whose orders the employee was bound to conform, and did conform, and, by reason of his having conformed thereto, the injury or death resulted; the act of any fellow-servant, done in obedience to the rules, instructions, or orders

given by the employer, or any other person who has authority to direct the doing of said act.

SEC. 15981. *Vice principals.*—The manager, superintendent, foreman, or other person in charge or control of the works, or any part of the works, shall, under this act, be held as the agent of the employer, in all suits for damages for death or injury suffered by employees.

The statute applies where there was negligence in giving an order, but not where the only negligence was in the manner of carrying out a proper order. 85 Atl. 1133.

Accidents to be reported—Public service companies

SECTION 18081. *Personal injuries.*—[All public service companies are required to give immediate notice to the public service commission of the State of all accidents occurring in, about or in connection with their operations wherein any person is killed or injured. Reports are not open to public inspection, nor are they available in any suit or action for damages.]

Employment on public works

SECTION 18268. *Only citizens to be employed.*—None but citizens of the United States shall be employed in any capacity in the erection, enlargement or improvement of any public building or public work within this Commonwealth: *Provided*, That apprentices to a trade or profession who may be under twenty-one years of age shall not be subject to the provisions of this act: *Provided*, That the provisions of this act shall not apply to public work where the cost thereof is paid in whole or in part from assessments of benefits.

SEC. 18269. *Stipulation in contracts.*—The person or persons who may be by law empowered to enter into a contract for the erection, enlargement or improvement of any public building or public work shall insert in such a contract a stipulation or covenant that the provisions of section one [18268], of this act will be fully complied with.

The contractor and his surety can not set up as a defense to the claims of aliens for wages the fact that such aliens were employed in violation of this act. 205 Pa. S. 172; 54 Atl. 719.

SEC. 18270. *Eight hours a day's labor.*—* * * eight hours out of the twenty-four of each day shall make and constitute a legal day's work for mechanics, workmen, and laborers in the employ of the State, or any municipal corporation therein, or otherwise engaged on public works.

SEC. 18271. *Act applies to whom.*—This act shall apply to all mechanics, workingmen, and laborers now or hereafter employed by the State, or any municipal corporation therein, through its agents or officers, or in the employ of persons contracting with the State or said corporation for the performance of public work, and in all such employment none but citizens of the United States, or aliens who shall have legally declared their intention to become such, who have been residents of the State in which such work is to be done for the six months next preceding the date of such employment, shall be employed by the State or any municipal corporation therein, or by any person or persons contracting with the same; and every contract hereafter made for the performance of public work must comply with the requirements of this section: *Provided*, That nothing in this act shall affect contracts in existence at the time of the passage of this act.

SECS. 18272, 18273. *Violations.*—[Officers or agents of the State or a municipality violating this act are guilty of malfeasance in office, and may be removed. Contractors evading or violating the law are punishable by a fine not exceeding $1,000.]

This act was held unconstitutional as to municipalities, they not being a different class of employers from corporations generally, and as free from interference as they. Com. v. Casey, 231 Pa. 170, 80 Atl. 78. The Supreme Court upholds such laws. Adkin *v.* Kansas, 191 U. S. 218, 24 Sup. Ct. 124.

Strikes of railroad employees

SECTION 18527. *Obstructing tracks, etc.*—If any person or persons, in aid or furtherance of the objects of any strike, shall obstruct any railroad track within this State, or shall injure or destroy the rolling stock or any other property of any railroad company, or shall take possession of, or remove any

such property, or shall prevent or attempt to prevent the use thereof by such railroad company or its employees, every such person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, and may be imprisoned not less than six months nor more than one year, at the discretion of the court.

SEC. 18537. *Abandonment of locomotives.*—If any locomotive engineer, or other railroad employee, upon any railroad within this State, engaged in any strike, or with a view to incite others to such strike, or in furtherance of any combination or preconcerted arrangement with any other person to bring about a strike, shall abandon the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the schedule or otherwise appointed destination of such train, or shall refuse or neglect to continue to discharge his duty, or to proceed with said train to the place of destination as aforesaid, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

SEC. 18538. *Refusing to move cars.*—If any locomotive engineer, or other railroad employee, within this State, for the purpose of furthering the object of, or lending aid to any strike or strikes, organized or attempted to be maintained on any other railroad, either within or without this State, shall refuse or neglect, in the course of his employment, to aid in the movement over and upon the tracks of the company employing him, [of] the cars of such other railroad company, received therefrom in the course of transit, he shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

SEC. 18539. *Interfering with employees.*—If any person, in aid or furtherance of the objects of any strike upon any railroad, shall interfere with, molest or obstruct any locomotive engineer, or other railroad employee, engaged in the discharge and performance of his duty as such, every person so offending shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred nor more than five hundred dollars, and may be imprisoned for a term not exceeding six months, at the discretion of the court.

Payment of wages in scrip

SECTION 20462. *Report to auditor general.*—Every person, firm, partnership, corporation or association shall, upon the first day of November of each and every year make a report, under oath or affirmation, to the auditor general, of the number and amount of all orders, checks, dividers, coupons, pass books, and all other books and papers, representing the amount, in part or whole, of the wages or earnings of an employee, that was given, made or issued by him, them or it for payment of labor, and not redeemed by the said person, firm, partnership, corporation, or association, giving, making or issuing the same, by paying to the employee or a member of his family the full face value of said order, check, divider, coupons, pass book, or other paper, representing an amount due for wages or earnings, in lawful money of the United States, within (30) days from the giving, making or issuing thereof; the honoring, though, of said order, check, divider, coupon, pass book, or other paper, representiug an amount due for wages or earnings, by a duly chartered bank, by the payment in lawful money of the United States, to the amount of said paper representing an amount due for wages or earnings, is a payment, and he, they or it shall, besides other requirements of law, pay into [the] treasury of the Commonwealth [twenty-five] (25) per centum on the face value of such orders, checks, dividers, coupons, pass books, or other paper, representing an amount due for wages or earnings, uot redeemed as aforesaid; and in case any person, firm, partnership, corporation, or association shall neglect or refuse to make report, required by this section, to the auditor general, on or before the first day of December of each and every year, such person, firm, partnership, corporation, or association, so neglecting or refusing, shall, besides other requirements of law, pay as a penalty into the State treasury twenty-five (25) per centum, in addition to the twenty-five (25) per centum tax imposed as aforesaid in this section, on the face value of all such orders, checks, dividers, coupon[s], pass books, or other paper, representing an amount due for wages

or earnings, not redeemed by paying the employee or a member of his family in lawful money of the United States, within said thirty (30) days, by the person, firm, partnership, corporation, or association making, giving or issuing the same; the honoring of paper, representing wages or earnings, by a bank is a sufficient payment: *Provided*, This act shall not apply to tools and blasting material, and other mine supplies, furnished by the employer to the employee, used by the employee at or about the employee's vocation; "nor to coal sold by the employer to the employee, nor to rent for houses leased from the employer and occupied by the employee": *And provided further*, That this act shall not apply to moneys paid to the treasurers of the employees about coal mines, who have agreed to have a pro rata part of their earnings paid by the operator to such treasurers, who are to pay checkweighmen or check measurers.

Labor organizations

Sec. 21247. *Incorporation of labor organizations.*—Five or more employees, at least three of whom shall be citizens of the United States, may, by their agreement and upon a compliance with the provisions of this act [secs. 4 to 10], form themselves into an association for their mutual aid and benefit and protection in their trade concerns.

Secs. 21248, 21249. *Petition.*—[If the membership of the association is to be confined to a single county, the petition for a charter is addressed to the court of common pleas of the county; if for more than one county, to the governor of the State, naming the purpose of the organization, and its address.]

Secs. 21250, 21251. *Charter; powers.*—[A charter is to be thereupon granted, on the payment of a proper fee. Ordinary corporate powers then accrue.]

Sec. 21252. *Embezzlement, etc., by officers.*—Any officer, agent or member of such association, or of any such subordinate association, who shall fraudulently take, keep or convert to his own use, or to the use of another, any money or other thing of value, given to, collected for, or due or belonging to such association, or which is to be sent, paid or delivered by such officer, agent or member, to any person, firm or corporation, on behalf of such association, shall be deemed guilty of a misdemeanor, and, on conviction thereof shall be sentenced to restore the property, unless already restored, and to be imprisoned in the county jail or workhouse for any period not exceeding one year, or to pay a fine of not more than five hundred dollars, or both or either, at the discretion of the court.

Sec. 21253. *Withholding records from successor.*—Any officer, agent or member of such association, or of any such subordinate association, who shall willfully keep, secrete, mutilate or destroy, or refuse to turn over to his successor, duly elected or appointed, or to the proper authority as provided by the constitution and by-laws thereof, any seal, minute book, record, ledger, voucher or other book or books, paper or papers, or any article of personal property belonging or pertaining to the affairs of such association, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to restore to the proper authority such article or articles, and to undergo an imprisonment for a period not exceeding six months, or to be fined in any sum not exceeding three hundred dollars, or both or either, at the discretion of the court.

Sec. 21254. *Employees may refuse work, when.*—It shall be lawful for employees, acting either as individuals or collectively, or as the members of any club, assembly, association or organization, to refuse to work or labor for any person, persons, corporation or corporations, whenever in his, her or their opinion the wages paid are insufficient, or his, her or their treatment is offensive or unjust, [or] whenever the continued labor or work by him, her or them would be contrary to the constitution, rules, regulations, by-laws, resolution or resolutions of any club, assembly, association, organization or meeting of which he, she or they may be a member or may have attended, and as such individuals or members, or as having attended any meeting, it shall be lawful for him, her or them to devise and adopt ways and means to make such rules, regulations, by-laws, resolution or resolutions effective, without subjecting them to indictment for conspiracy at common law, or under the criminal laws of this Commonwealth:

Provided, first, That this act shall not be held to apply to the member or members of any club, assembly, association, organization or meeting, the constitution, rules, regulations, by-laws, resolution or resolutions of which are not

in conformity with the Constitution of the United States and to the constitution of this Commonwealth:

Provided, second, That nothing herein contained shall prevent the prosecution and punishment, under any law, other than that of conspiracy, of any person or persons who shall, by the use of force, threats or menace of harm to person or property, hinder or attempt to hinder any person or persons who may desire to labor or work for any employer from so doing for such wages and upon such terms and conditions as he, she or they may deem proper: *And provided, third*, That nothing herein contained shall prevent the prosecution and punishment of any persons conspiring to commit a felony.

A striker who interferes with his employer by insulting language and threats will be bound over to keep the peace. 11 Co. C. Rep. 481.

A striker using insulting and threatening language toward a nonunion workman will be punished for disorderly conduct. 12 Co. C. Rep. 91.

Employers may combine to resist an advance in wages by refusing to sell to parties who have conceded such advance, and are not liable in damages for so doing or for advising others not to sell to such persons. 33 W. N. C. 421.

Wages as preferred claims

SECTION 21488, 21489. *Transfer, etc., of business.*—[Money due for labor or service of any miner, mechanic, domestic servant, porter, hostler, seamstress, tailor, laborer, apprentice, etc., for a period of six months preceding the sale or transfer of the property of any person, company, or partnership, by execution or otherwise, on account of death or insolvency of the employer, shall be a lien to be paid first out of the proceeds of the sale of real and personal property, in an amount not exceeding $200, claims to be filed within three months. Claims may be presented in writing at any time prior to actual sale.]

SEC. 21490. *Death, etc.*—[In cases of death, insolvency, or assignment, the lien of preference above mentioned shall extend to every property of the person or company concerned.]

SECS. 21491, 21492. *Priority.*—[The priority of such claims over other claims except those recorded before the work was done, and over coal lease mortgages, is provided for.]

SECS. 21493–21496. *Lumbermen's wages.*—[Laborers engaged in cutting, driving, etc., saw logs, or getting out square timber, bark, etc., have a preference for six months' wages earned prior to the death or assignment for benefit of creditors in case of death, assignment, or execution, the amount not to exceed $200 for any one laborer. Owners must pay such amounts and charge the same to the contractors, if the work was done on contract.]

SEC. 21497. *Preference over rent.*—[The claims of laborers for wages have priority over a landlord's claims for rent, where the employer holds the property worked in or upon under lease.]

Suits for wages

SECTION 21498. *Priority of trial.*—[Claims for wages for manual labor only shall be listed for trial in advance of other civil causes in any court in the State.]

SEC. 21499. *Stay of execution.*—[No stay of execution shall be allowed in judgments for wages for manual labor in amounts not exceeding $100.]

SEC. 21500. *No property exempt.*—[No exemption of property from attachment, etc., is allowed on judgments for wages for manual labor in amounts of $100 or less.]

SEC. 21502. *Appeals.*—[A debtor taking an appeal from a judgment for wages for manual labor must declare that the appeal is not taken for delay but to remedy alleged injustice, and good and sufficient bail must be given to cover the debt and costs if the judgment below is affirmed.]

Payment of wages—Assignments

SECTION 21503. *Semimonthly pay day.*—Unless otherwise stipulated in the contract of hiring, each person, firm, or corporation employing any person, other than at an annual salary, shall pay to such person his or her earnings or wages semimonthly. The first payment shall be made between the first and fifteenth day of each month, and the second payment shall be made between the fifteenth and the last day of each month.

SEC. 21504. *Violation.*—Any person, firm, or corporation that shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon convic-

tion thereof before any alderman, magistrate, or justice of the peace of the proper county shall be sentenced to pay a fine not exceeding one hundred dollars ($100).

Sec. 21505. *Effect.*—Nothing in this act shall prohibit the payment of wages or earnings oftener than semimonthly.

Secs. 21509, 21510. *Assignments.*—[No assignment of future earnings is valid against the employer without his acceptance in writing. Assignments by a married man must have the written consent of the wife before such acceptance by the employer.]

Employment of labor—Notice of discharge

Section 21511. *Notice of discharge to be given, when.*—Any individual, partnership, or corporation, who or which requires from persons in his or its employ, under penalty of forfeiture of part of wages earned by them, a notice of intention to leave such employ shall be liable to pay to the party injured a sum equal to the amount of said forfeiture, if he or it discharges, without similar notice, a person in such employ, except for incapacity or misconduct, unless in case of a general suspension of labor in his or its mine, shop, or factory, or a suspension of work ordered by the employees of such individual, partnership, or corporation.

Sec. 21512. *Suit to recover forfeiture.*—Suit may be brought by any person or persons interested under the provisions of the first section of this act before any of the magistrates or justices of the peace of this Commonwealth having jurisdiction for the recovery of the sum or sums of money as are required to be paid by the employer or employers under the first section [21511] of this act.

Wages—Contributions to hospitals, etc.

Section 21513. *Orders to retain.*—It shall be the duty of any corporation, manufacturing establishment or colliery, to retain from and out of the wages or earnings of any person by them employed, on his written order, any contribution or voluntary subscription by such person, made in monthly or other payments, for the support of any hospital or other charitable institution, and the sum so retained to pay over upon demand to such hospital or other charitable institution; and any payment so made shall be as valid as if paid to the person by whom said wages or earnings were earned: *Provided*, That the hospital or charitable institution claiming the same shall give notice in writing at least ten days before the time for the payment of said wages or earnings to such corporation, manufacturing establishment or colliery, of the name or names of the person or persons by them employed, who have subscribed to the support of such hospital or charitable institution, and the amount by them severally subscribed, and when or how often payable, and how long to continue, and file such subscription with said corporation, manufacturing establishment, or colliery.

ACTS OF 1921

Act No. 108.—*Bureau of statistics and information*

Section 1. *Bureau created.*—* * * There is hereby established, within the department of internal affairs of the Commonwealth, a bureau of statistics and information.

Sec. 2. *Personnel.*—The secretary of internal affairs is authorized to appoint a chief of said bureau and such other officers and employees as may be necessary to carry out the purposes of this act, to prescribe their duties, and fix their compensation. He may also use temporarily any clerks or employees of the department of internal affairs in the bureau as occasion may require.

Sec. 3. *Duties.*—The bureau shall collect, compile, and publish all statistics and useful data and information relating to labor, coal mining, oil and gas production, manufacturing industries, commercial operations, public service companies, municipalities, maritime interests, and other business of the State; and, in order to facilitate the duties herein imposed, all persons, associations, copartnerships, and corporations, engaged as herein described, within this Commonwealth and municipal and other public officers, are hereby required to furnish such statistical information as the secretary of internal affairs or the chief of such bureau may require. The secretary of internal affairs shall have a complete, summarized, and systematized report of the statistics and information collected and compiled by the bureau published annually, and

shall otherwise provide means for making such information available for the use and benefit of the public as he may find necessary.

SEC. 5. *Powers.*—The secretary of internal affairs, the chief of said bureau, or other person duly authorized by either of them, shall have power to issue subpœnas, administer oaths, hold hearings, and take testimony in all matters relating to the duties herein required of said bureau. Any person, association, copartnership, or corporation, doing business within the Commonwealth, or municipal, or other public officer, who shall neglect or refuse, for thirty days, to answer questions requested by circular, official blanks, or personal application, designed to secure the data and information required to be furnished by this act, or who shall refuse to obey the subpœna and give testimony according to the provisions of this act, shall be liable to a penalty of two hundred dollars, to be collected by the secretary of internal affairs in a proper action for the use of the Commonwealth.

ACT No. 290.—*Mine inspectors—Anthracite mines*

SECTIONS 2–6. *Examinations; certificates.*—[Appointees to the board of mine inspectors' examiners give notice of the holding of examinations by publication in newspapers. Applicants for examination as inspectors must be citizens, 30 to 50 years of age, residents of the anthracite region and of good health, habits and reputation. They must have had at least ten years' experience in the anthracite mines of the State, with a comprehensive knowledge of methods of working, of ventilation, gases, machinery, electricity, first aid work, the reading of maps, etc.

Examinations shall be in writing, and those who make a rating of at least 90 per cent shall be certified to the governor and to the chief of the department of mines, the latter to issue a certificate of qualification, valid for four years and not longer unless the holder serves one full term as inspector, when the certificate becomes permanent. Inspectors serving under existing laws are not limited by the age of 50, and need not take the examination herein prescribed if they have acted as inspector for four years. Such persons shall receive a permanent certificate of qualification, setting forth the percentages made on the last examination taken.]

SECS. 7–14. *Appointments, etc.*—[The terms of office of all inspectors at the time of the passage of the act are terminated, and the governor is to make appointments for all vacancies, naming first the person having the highest rating. The term of appointments is four years, at an annual salary of $4,800, with necessary expenses. A bond of $5,000 is required. The chief of the department of mines is to furnish instruments, chemicals, furniture, stationery and other needed supplies.

In case of incapacity or leave of absence for 30 days or more, a temporary inspector is to be appointed. No inspector may be manager, agent or engineer for any coal company or be interested in the operation of any anthracite mine in the State.]

SEC. 15. *Removal.*—[On the petition of not less than 15 reputable citizens, miners or operators, charging illegal holding of office or incompetence or malfeasance, a county court shall investigate such charges, and if sustained the office shall be declared vacant.]

SEC. 17. *Penalties.*—[Violation of this act is a misdemeanor, punishable by a fine of $300, or imprisonment for 30 days, or both.]

ACTS OF 1923

ACT No. 266.—*Mine regulations—Examination of mine foremen, etc.—Bituminous mines*

SECTIONS 1–11. *Examination, certificates, etc.*—[On petition of a district mine inspector, the county court appoints a board of examiners, consisting of an inspector, a qualified miner, and an operator or superintendent, to hold examinations for mine foremen, assistant mine foremen, and fire bosses. A committee of two inspectors, two miners and two operators selected from the boards by the chief of the department of mines, makes up questions for use throughout the State. Applicants for certificates as foremen or assistants must be citizens of good moral character, 23 years of age with 5 years' experience after reaching 16 as miners, mining engineers, or men of general work in

the bituminous mines of the State. The same qualifications are fixed for fire bosses, except that no mention is made of mining engineering, and they must have had experience in gaseous mines.

Certificates to foremen are of two grades, one to those showing ability to have charge of gaseous mines, and the second for nongaseous mines. A rate of 80 per cent is required in each class. Assistants' certificates are granted to those showing knowledge of gaseous mines, and making a grade of 70 per cent. Fire bosses must make a grade of 65 per cent. The fee for examination is $2, for a certificate $3, in all cases. Certificates are issued by the chief of the department of mines, and certified persons must be employed for the positions named, unless the person employed is, in the judgment of the operator, equally competent. Forgery or the making of false statements is a misdemeanor, punishable by a fine of from $200 to $500, or imprisonment not more than one year, or both, in the discretion of the court.]

ACT No. 274.—*Administrative code—Departments of labor and industries, mines, etc.*

SECTION 1. *Title.*—This act shall be known and may be cited as "The Administrative Code."

SEC. 2. *Bureaus, etc., abolished.*—To accomplish the purposes of this act, * * * the following departments, bureaus, divisions, boards, commissions, offices, and agencies of the State Government as now established by law are hereby abolished, namely: * * * chief inspector of the department of labor and industry, bureaus of inspection, of mediation and arbitration, of rehabilitation, of workmen's compensation, and of employment in the department of labor and industry; division of industrial hygiene and engineering; industrial board; manager, assistant manager, actuary, and counsel for the State workmen's insurance board; * * *

SEC. 201. *Offices, departments, etc.*—The executive and administrative work of this Commonwealth shall be performed by the executive department, * * * the department of public instruction, * * * the department of labor and industry, * * * the department of mines, which shall be reorganized as in this act provided, and shall hereafter be known, respectively, as: * * * department of public instruction, * * * department of labor and industry, * * * department of mines; * * *

SEC. 202. *Boards, etc.*—The following departments, boards, commissions, and offices, are hereby placed and made departmental administrative bodies, boards, commissions, or offices, as the case may be, in the respective administrative departments mentioned in the preceding section, as follows: * * * In the department of public instruction—* * * authracite mine inspectors' examining board, mine inspectors' examining board for the bituminous coal mines of Pennsylvania. In the department of labor and industry—workmen's compensation board; workmen's compensation referees; State workmen's insurance board. * * * In the department of mines—authracite mine inspectors; bituminous mine inspectors.

SEC. 203. *Advisory boards.*—The following advisory boards and commissions are hereby created and designated in and as parts of the respective departments, as follows:

* * * * * * *

In the department of labor and industry—industrial board.

* * * * * * *

SEC. 205. *Heads.*—Each administrative department shall have as its head an officer who shall either personally, by deputy, or by the duly authorized agent or employee of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

(*a*) The following officers shall be the heads of the administrative departments following their respective titles:

* * * * * * *

Commissioner of labor and industry, who shall hereafter be known as secretary of labor and industry of the department of labor and industry.

* * * * * * *

Chief of the department of mines, who shall hereafter be known as secretary of mines, of the department of mines.

* * * * * * *

SEC. 206. *Appointments.*—The governor shall nominate, and by and with the advice and consent of two-thirds of all the members of the senate appoint: (a) * * * the secretary of labor and industry, * * * the secretary of mines, * * * (b) Except as in this act otherwise provided, the members of all departmental administrative bodies, boards, and commissions, and the officers who shall fill the departmental administrative offices mentioned in this article;

(c) Except as in this act otherwise provided, the members of all advisory boards and commissions.

SEC. 207. *Terms.*—[The terms of office are four years from the third Tuesday of January next following the election of a governor, and until their successors shall have been appointed and qualified.]

SEC. 208. *Salaries.*—Annual salaries shall be payable, in equal semimonthly installments, as follows:

* * * * * * *

To the secretary of labor and industry, ten thousand dollars.

* * * * * * *

To the secretary of mines, six thousand dollars.

* * * * * * *

SEC. 210. *Salaries of boards, etc.*—Except as in this act otherwise provided, the members of departmental administrative bodies, boards, and commissions, and of advisory boards and commissions, shall serve without compensation.

SEC. 212. *Bureaus.*—[Authorizes the heads of the administrative departments, subject to the approval of the executive board, to establish such bureaus or divisions "as may be required for the proper conduct of the work."]

SEC. 213. *Deputies.*—[Authorizes the heads of departments, with the approval of the governor, to appoint and fix the compensation of a deputy or such number of deputies as the executive board shall approve, to perform such duties as may be prescribed by the head of the department, within his authority under the law.]

SEC. 214. *Appointees.*—[Authorizes heads of departments to appoint and fix the compensation of directors, superintendents, bureaus or division chiefs, experts, inspectors, clerks, stenographers, etc., as may be required for the proper conduct of the work of their respective departments, the number and compensation to be subject to the approval of the governor; and after the executive board shall have fixed the standard compensation for any kind, grade, or class of service, compensation of appointees shall be fixed according to such standard.]

SEC. 421. *Bituminous mine inspectors' examining board.*—[A board to conduct examinations of applicants for positions of mine inspectors in the bituminous mines of the States consists of the superintendent of public instruction, the secretary of mines, two mining engineers of five years' experience in bituminous mines, and three members who have passed inspectors' examinations for bituminous mines generating explosive gases, with at least five years' experience as miners in the bituminous mines of the State. All members must be at least 30 years of age. Appointed members receive $15 per day for their services; the secretary of mines may limit the number of days' service per year. A secretary may be employed at a compensation fixed by the board and approved by the superintendent of public instruction. He need not be a member of the board. The secretary of mines is chairman.]

SEC. 422. *Anthracite mines.*—[The board to examine inspectors of anthracite mines is constituted as above, except that the appointed members must have had experience in anthracite mines instead of bituminous.]

SECS. 431, 432. *Workmen's compensation; board; referees.*—[The secretary of labor and industry is ex officio a member of the workmen's compensation board. There are also in the department as many compensation referees as in the judgment of the governor and the secretary of labor and industry are necessary for the administration of the compensation laws.]

SEC. 439. The advisory boards and commissions created by this article shall be constituted as follows:

* * * * * * *

(d) The industrial board shall consist of the secretary of labor and industry and four additional members, one of whom shall be an employer of labor, one a wage earner, and one a woman. The secretary of labor and industry shall be the chairman of the board.

Three members of the board shall be a quorum.

The members of the industrial board, other than the chairman, shall receive ten dollars per day while in the performance of their official duties.

(f) The State welfare commission shall consist of nine members, three of whom, as ex officio members, shall be the secretary of welfare, the secretary of labor and industry, and the secretary of health.

* * * * * * *

SEC. 440. *Mine inspectors.*—[There shall be as many inspectors of anthracite and bituminous mines as now or hereafter provided by law, to be appointed from holders of certificates of qualification from examining boards, as the law provides. Salaries are $4,800 per year.]

SEC. 442. *Workmen's insurance board.*—The State workmen's insurance board shall consist of the secretary of labor and industry, who shall be the chairman thereof, the State treasurer, and the insurance commissioner.

SEC. 1701. *Powers and duties.*—The department of labor and industry shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said department, the several bureaus and divisions thereof, and the industrial board. It shall also exercise such additional powers and perform such additional duties as are vested in and imposed upon it by this act.

SEC. 1702. *Inspection and administration.*—The department of labor and industry shall have the power, and its duty shall be:

(a) To inspect, during reasonable hours and as often as practicable, every room, building, or place, within this Commonwealth, where and when any labor is being performed which is affected by the provisions of any law of this Commonwealth and all buildings in which public assemblies are held, and for this purpose to enter any such room, building, or place;

(b) To receive and examine plans for all buildings more than two stories high and all places of assembly outside of cities of the first and second classes and to approve the same as may now or hereafter be provided by law;

(c) To receive and check plans for elevator installations outside of cities of the first and second classes, and to issue permits for the erection and repair of elevators, as may now or hereafter be provided by law;

(d) To file reports of inspection of elevators received from inspectors employed by the department or from inspectors holding certificates of competency issued by the department;

(e) To inspect boilers, and to receive and check reports of inspection of boilers made by inspectors holding certificates of competency issued by the department;

(f) To issue licenses, after examination, to motion-picture projectionists and apprentices, as may now or hereafter be provided by law;

(g) To receive reports of industrial accidents to persons, and to direct the investigation of such accidents and prescribe means for the prevention of similar accidents;

(h) To issue orders for removing or safeguarding against hazards that may cause accidents to employees, as may now or hereafter be provided by law.

SEC. 1703. *Investigations.*—The department of labor and industry shall have the power to make investigations and surveys upon any subject within the jurisdiction of the department, either upon its own initiative or upon the request of the industrial board.

SEC. 1704. *Statistics.*—The department of labor and industry shall have the power to collect, compile, and publish statistics relating to labor and industry, to organizations of employees, and to organizations of employers.

SEC. 1705. *Rules and regulations.*—Subject to approval by the industrial board, the department of labor and industry shall have the power to make rules and regulations for carrying into effect the laws regulating the labor of persons within this Commonwealth and the construction, ventilation, and equipment of the rooms, buildings, or places where such labor is performed, or where public assemblies are held, and to enforce all such rules and regulations.

SEC. 1706. *Mediation and arbitration.*—The department of labor and industry shall have the power and its duty shall be, whenever a difference arises between an employer and his employees with regard to wages, hours, or conditions of employment, to send a representative of the department promptly to the locality in which such difference exists and endeavor by mediation, to effect an amicable settlement of the controversy. If such settlement can not be effected and the dispute is submitted for arbitration, the department, in the event of the failure of representatives of employer and employees to name an impartial chairman of the board of arbitration, shall select such chairman to act as such third member.

SEC. 1707. *Women and children.*—The department of labor and industry shall have the power and its duty shall be:

(a) To make studies and investigations of the special problems connected with the labor of women and children;

(b) To create the necessary organization and to appoint an adequate number of inspectors to enforce the laws, and rules and regulations of the department relating to the work of women and children.

SEC. 1708. *Workmen's compensation.*—The department of labor and industry shall have the power and its duty shall be:

(a) To administer and enforce the laws of this Commonwealth, as now existing or hereafter enacted, relating to workmen's compensation: *Provided, however*, That the workmen's compensation board and the workmen's compensation referees shall perform their respective duties independently of the secretary of labor and industry or any other official of the department, except that all clerical, stenographic, and other assistance, required by the workmen's compensation board and the several workmen's compensation referees, shall be appointed by the department as provided in this act;

* * * * * * *

SEC. 1709. *Rehabilitation.*—The department of labor and industry shall have the power:

(a) To render aid to persons injured in industrial pursuits, to arrange for medical treatment for such persons, and procure artificial limbs and appliances to enable them to engage in remunerative occupations;

(b) To make surveys to ascertain the number and condition of physically handicapped persons within the Commonwealth;

(c) To cooperate with the department of public instruction in arranging for training courses in the public schools or other educational institutions for persons injured in industrial pursuits, and to arrange for such courses in industrial or agricultural establishments; and

(d) To such extent as the department shall have funds available for the purpose, to provide maintenance for such injured persons during such training in such amounts as may be provided by law.

SEC. 1710. *Employment and unemployment.*—The department of labor and industry shall have the power:

(a) To endeavor to bring together employers seeking employees and applicants for employment;

(b) To supervise all public and private employment agencies;

(c) To report on the extent of unemployment, the remedy therefor, and the means for the prevention thereof:

(d) To establish employment offices or labor exchanges at convenient places throughout the Commonwealth:

(e) To promote the intelligent distribution of labor and, when necessary, to assist in securing transportation for employees desiring to go to places where work is available.

SEC. 1714. *Industrial board.*—The industrial board created by this act shall have the power and its duty shall be:

(a) To meet at least once each month for the purpose of considering such matters as are brought before it or the secretary shall request;

(b) To hold hearings with reference to the application by the department of the laws affecting labor upon appeal either of employees or employers or of the public, and after such hearings to make recommendations to the department;

(c) To approve or disapprove the rules and regulations established by the department of labor and industry and to make suggestions to the department for the formulation of such rules and regulations;

(d) To consider, study, and investigate the conduct of the work of the department of labor and industry. For this purpose the board shall have

access at any time to all books, papers, documents, and records pertaining to or belonging to the department, and may require oral or written information from any officer or employee thereof.

SEC. 1803. *Housing inspection.*—[Directs the department of health to cooperate with the department of labor and industry in the inspection of the sanitary condition of tenements, lodging, and boarding houses "for the purpose of avoiding any duplication of inspection or overlapping of functions."]

SECS. 2401–2403. *Department of mines.*—[The department of mines is to continue to exercise the powers and perform the duties conferred on it by law, to see that the laws are faithfully executed, to make necessary inspections of mines and machinery to that end, to aid and instruct the inspectors and to make examinations, investigations, and recommendations in the interest of miners, owners, and operators. Inspectors continue to perform the duties devolved upon them by law.]

PHILIPPINE ISLANDS

ACTS OF UNITED STATES CONGRESS—1901–2

CHAPTER 1369.—*Slave labor*

SECTION 5.

* * * * * * *

Slavery prohibited.—Neither slavery, nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist in said islands.

* * * * * * *

SEC. 74. *Employment of slave labor.*—The government of the Philippine Islands may grant franchises, privileges, and concessions, including the authority to exercise the right of eminent domain for the construction and operation of works of public utility and service, * * * *Provided further*, That it shall be unlawful for any corporation organized under this act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons claimed or alleged to be held in involuntary servitude; and any person, company, or corporation so violating the provisions of this act shall forfeit all charters, grants, franchises, and concessions for doing business in said islands, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not less than ten thousand dollars.

ACTS OF U. S. PHILIPPINE COMMISSION—1903

ACT NO. 702.—*Chinese labor—Immigration—Registration*

SECTIONS 1–8. *Certificates.*—[All Chinese laborers in the islands are required to have a certificate of registration, showing name, age, date, and place of birth, residence and occupation, with a photograph of the person described; for which a fee of fifty cents is charged. A reasonable time is to be allowed for replacing lost certificates; but those without certificates will be deported. Chinese entitled to enter the islands may secure a certificate on landing.]

SEC. 12. *Definitions.*—The word "laborer" or "laborers" wherever used in this act shall be construed to mean both skilled and unskilled manual laborers, including Chinese laundrymen and Chinese employed in mining, fishing, huckstering, peddling, or taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant" as employed in this act signifies a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as such merchant. The definition of "laborer" and "merchant" set out in this section shall receive the same construction as that given to it by the Federal courts of the United States and the rulings and regulations of the Treasury Department of the United States.

ACT NO. 703.—*Railroads—Safety appliances—Rules*

SECTION 19. *Brakes, etc.*—* * * Brakes and such other safety appliances for the security of life and property shall be installed by the grantee [Manila Railroad] company on all trains and locomotives, at road crossings and at other places of danger, as may from time to time be designated and approved by the government.

SEC. 29. *Rules.*—Before inaugurating the first district of the line conceded the grantee company shall submit for the approval of the proper governmental authority of the Islands the working rules and regulations * * * for the guidance of its employees, and the government having given the company op-

portunity to be heard thereon, shall make in said working rules and regulations the additions and alterations which shall be considered necessary. These working rules and regulations, after being approved by the proper governmental authority, shall have the force of law, but they shall be subject to modification at any time at petition of the company, or by direction of the government, said modifications being subject, after giving the company opportunity to be heard, to alteration by the proper authority, and when approved in presented or modified form shall have the force of law.

ACTS OF U. S. PHILIPPINE COMMISSION—1904

Act No. 1189.—*License tax—Exemption of mechanics*

Section 139. *Tax.*—Except as hereinafter specifically exempted, there shall be paid by each merchant and manufacturer a tax at the rate of one-third of one per centum on the gross value in money of all goods, wares, and merchandise sold, bartered, or exchanged for domestic consumption in the Philippine Islands, and this tax shall be paid whether such commodities consist of raw materials or manufactured or partially manufactured products, and whether of domestic production or imported. * * *

Sec. 142. *Exemptions.*—The following persons shall be exempted from the payment of the taxes imposed in section one hundred and thirty-nine:

* * * * * * *

(*f*) Carpenters, brick masons, tinsmiths, joiners, plumbers, and other mechanics and artisans, and all other persons who work by contract, by the piece, or by the day for others and who have no shop and keep no stock for sale or distribution of articles manufactured by them.

ACTS OF PHILIPPINE LEGISLATURE—1908

Act No. 1874.—*Liability of employers for injuries to employees*

Section 1. *When liable.*—If personal injury is caused to an employee, who, at the time of the injury, is in the exercise of due care, by reason of—

First, a defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from, or had not been discovered or remedied in consequence of, the negligence of the employer or of a person in his service who had been intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition; or

Second, the negligence of a person in the service of the employer who was intrusted with and was exercising superintendence and whose sole or principal duty was that of superintendence, or, in the absence of such superintendent, of a person acting as superintendent with the authority or consent of such employer; or

Third, the negligence of a person in the service of the employer who was in charge or control of a signal, switch, locomotive engine, or train upon a railroad; the employee, or his legal representatives, shall, subject to the provisions of this act, have the same rights to compensation and of action against the employer as he had not been an employee, nor in the service, nor engaged in the work, of the employer.

A car which is in use by, or which is in possession of, a railroad corporation shall be considered as part of the ways, works, or machinery of the corporation which uses or has it in possession, within the meaning of clause one of this section, whether it is owned by such corporation or by some other company or person. One or more cars which are in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of this section, and whoever, as part of his duty for the time being, physically controls or directs the movements of a signal, switch, locomotive engine, or train shall be deemed to be a person in charge or control of a signal, switch, locomotive engine, or train within the meaning of said clause.

Sec. 2. *Injuries causing death.*—If, as the result of the negligence of the employer or that of a person for whose negligence the employer is liable under the provisions of section one, an employe is killed or dies by reason of injuries received, his widow, or legal heirs, or next of kin who at the time of his death were dependent upon his wages for support, shall have a right of action for damages against the employer.

SEC. 3. *Degree of culpability.*—If, under the provisions of this act, damages are awarded for the death, they shall be assessed with reference to the degree of culpability of the employer or of the person for whose negligence the employer is liable.

The amount of damages which may be awarded in an action under the provisions of section one for a personal injury to an employee, in which no damages for his death are awarded under the provisions of section two, shall not exceed two thousand pesos.

The amount of damages which may be awarded in such action, if damages for his death are awarded under the provisions of section two, shall not be less than five hundred pesos nor more than two thousand five hundred pesos for both the injury and the death.

SEC. 4. *Notice, limitation.*—No action for damages for injuries or death under this act shall be maintained if a report thereof is not furnished to the employer within ninety days of the date, place, and cause of the injury or if the action is not brought within one year from the time of the accident causing the injury or death. The report required by this section shall be made in writing and signed by the person injured or by another in his name, or if, on account of physical or mental disability, it is impossible for the person injured to give the notice within the time provided by this section, the same may be given within ten days after such disability shall have been removed, and in case of death without said report having been given and without the person having for ten days at any time after the period above mentioned been able to give such notice, the widow, legal heirs, or next of kin dependent upon his wages for support, may give such notice within thirty days following the death of the laborer. No report given under the provisions of this act shall be considered void or insufficient by reason only of some inaccuracy as regards the date, place, or cause of the injury, if there was no intention to mislead or the employer has not been misled by reason of such inaccuracy.

SEC. 5. *Suits take precedence.*—All actions for damages which may be brought under this act shall have preference over all other matters save and except criminal cases and habeas corpus matters on the dockets of the courts of first instance, and shall be promptly tried by the court and decided within fifteen days after final submission of the case to the court for decision.

On application to the court by the party injured or by his duly authorized representatives, the court may make a proper allowance for food and medical attendance during the pendency of the action and while medical attendance is still necessary by reason of the injury: *Provided, however*, That the defendant in the action shall be given an opportunity to be heard before any such allowance is made.

SEC. 6. *Employees of contractors and subcontractors.*—If an employer enters into a contract, written or verbal, with an independent contractor to do part of such employer's work, or if such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor caused by any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer or are furnished by him and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

SEC. 7. *Contributions to insurance funds.*—An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under the provisions of this act or who shall have contributed to any relief society for the same purpose may prove in mitigation of the damages recoverable by an employee under the provisions of this act such proportion of the pecuniary benefit which has been received by such employee from any fund or society on account of such contribution of said employer as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SEC. 8. *Effect of knowledge of employee.*—An employee or his legal representative shall not be entitled under the provisions of this act to any right of action for damages against his employer if such employee knew of the defect or negligence which caused the injury and failed within a reasonable time to give or cause to be given information thereof to the employer or to some person

superior to himself in the service of the employer who was intrusted with general superintendence.

SEC. 9. *Exemptions.*—This act shall not be applicable to domestic servants or agricultural laborers.

SEC. 10. *Waivers void.*—Any agreement to renounce the benefits of this act made by the laborer prior to the occurrence of any accident resulting in his injury or death shall be null and void.

ACTS OF 1909

ACT No. 1956.—*Wages as preferred claims—In insolvency*

SECTION 50. *Rank.*—[Debts for personal services rendered by clerks, laborers, or domestic servants during the 60 days preceding action rank next after legal expenses, funeral expenses of the debtor, his wife or dependent child, and debts due the insular, provincial or municipal governments.]

ACTS OF 1911–12

ACT No. 2098.—*Contracts of employment—Repayment of advances*

SECTION 1. *Failure to render service.*—Any person who, with intent to injure or defraud his employer, enters into a contract for the performance of any act of personal service, and thereby obtains money or other personal property from such employer as a gratuity or advance on wages to be earned under such contract of employment, and without just cause, and without refunding such money or paying for such property, refuses or fails to perform such act of service, shall on conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

SEC. 2. *Cultivating rented land.*—Any person who with intent to injure or defraud his landlord, enters into a contract in writing for the rent of land, under an agreement to cultivate such land, and thereby obtains money or other personal property from such landlord, and without just cause, and without refunding such money or paying for such personal property, refuses or fails to cultivate such land, or to comply with his contract relative thereto, shall on conviction be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

SEC. 3. *Failure to pay wages.*—Any person who with intent to injure or defraud shall contract with another to receive from him personal services of any kind and to compensate him therefor, and thereafter with like intent receives the benefit of such services in whole or in part and fails or refuses to pay the compensation agreed upon shall upon conviction thereof be punished by a fine of not more than two hundred pesos, or imprisonment for not more than six months, or with both penalties.

ACT No. 2129.—*Employment offices—Public registry of workmen*

SECTION 1. *Registry authorized.*—Municipal councils organized under act numbered eighty-two, and the townships of Mindoro, Palawan, and Batanes, are hereby authorized to establish a general register of mechanics or day laborers residing in their respective municipalities. Said register shall be in charge of the municipal secretary, who shall keep same in his office and at the disposal of the public for the purposes of this act.

SEC. 2. *Registration.*—The municipal treasurer shall, as soon as the municipal council shall have so ordered by resolution, carefully ascertain the trade of each person presenting himself in his office to pay for his registration certificate or personal cedula, for the purpose of separating and making a list of those persons who are mechanics or day laborers by occupation, and the list made in the manner hereinafter specified shall be turned over to the municipal secretary for the purpose of entering the names of such persons in the register provided for by this act: *Provided*, That said list shall contain the name, age, civil status, barrio or sitio of residence, and trade of the person registered, and whether such person is then employed or unemployed: *And provided further*, That in municipalities where there are free labor exchanges or employment agencies established as provided in section two (*c*) of act numbered eighteen hundred and sixty-eight, the duties hereby imposed on the municipal

secretary shall be performed by the superintendent of said exchanges or agencies.

SEC. 3. *Register to be open.*—The register or registers provided for in the next preceding section shall be at the disposition of the public.

SEC. 4. *Dates of contracts to be entered.*—As soon as said mechanics or day laborers shall have accepted the conditions of a contract and both parties thereto shall have complied with all of the requirements of existing laws regulating the relations between employers and laborers, the municipal secretary shall note in the register in his office, by the side of each name, the date on which such mechanics or day laborers were contracted and the name of the person, contractor, company, or firm to whom they are to render their services.

SEC. 5. *Termination of contract.*—Upon the cancellation or termination of the contract, the contractor or contractors or employers shall report the fact to the municipal secretary, who shall make a note of it under the proper date by the side of the respective name or names.

SEC. 6. *Employment not restricted.*—Nothing herein contained shall be understood to restrict the liberty of a mechanic or day laborer to seek employment or occupation elsewhere, subject to the provisions of an act numbered two thousand and ninety-eight, he being obliged only, when he does so, to report the fact to the municipal secretary for the purpose of noting his name in the register: *Provided*, That no fee shall be charged for the work of making the entries, notations, and registrations provided for in this act.

SEC. 7. *Reports.*—The municipal secretary shall send a report of current transactions or statistics regarding mechanics and day laborers registered in his office to the bureau of labor, monthly or quarterly, as may be ordered by the director of labor.

ACTS OF 1913–14

ACT No. 2300.—*Kidnaping to service—Peonage*

SECTIONS 1–3. *Acts forbidden.*—[Slavery, involuntary servitude, and peonage are prohibited and to be punished according to the decrees, etc., of the former Spanish Government. The provisions of the code of penal laws of the United States as to kidnaping (secs. 269–271, Criminal Code) are adopted, with the necessary modifications, "as if they had been enacted by the Philippine legislature."]

ACTS OF 1915

ACT No. 2473.—*Liability of employers for injuries to employees*

SECTION 1. *Negligence presumed.*—In all litigations instituted by a laborer or by his heirs and successors under the provisions of act numbered eighteen hundred and seventy-four of the Philippine Legislature, entitled "An act to extend and regulate the responsibility of employers for personal injuries and deaths suffered by their employees while at work," neglect on the part of the employer shall constitute a presumption of law.

ACT No. 2486.—*Emigrant agents—Labor commissioners*

SECTION 1. *Who covered.*—Every person or entity who, directly or indirectly, shall engage in the Philippine Islands in contracting, enlisting, recruiting, or shipment of laborers, shall pay annually, as a tax, to the provincial treasurer of each one of the provinces where laborers are contracted or recruited, and if in Manila, to the collector of internal revenue, the sum of five hundred pesos, which fund shall be subjected to the conditions expressed in the following sections: *Provided*, That when such contracting, enlistment, recruiting, or shipment of laborers is made in representation of a corporation or person, said tax shall be paid by the same and not by each one of its agents or employees: *Provided, further*, That nothing contained in this act shall be interpreted or construed in such manner as to permit any contract or recruiting of individuals of non-Christian tribes for the purpose of exhibiting same in the Philippines or in any other foreign country, which is hereby declared prohibited and unlawful: *And provided finally*, That nothing contained in this act shall be applied to persons who contract individuals for other personal service or to make up the crew of a vessel.

SEC. 2. *Return of workmen.*—Any company or entity engaged in the industry mentioned in the next preceding section shall be obliged to furnish free passage

upon the return to these islands of the laborer or laborers contracted, so soon as the time stipulated in the contract made with him shall have expired in case they shall have complied with the terms and conditions of the contract on their part to be kept and performed, or in case they shall have later become unfit for work on account of physical incapacity.

SEC. 3. *License.*—Any person or entity referred to by this act shall annually provide himself, before engaging in the industry referred to by this law, with a license issued by the director of the bureau of labor and approved by the secretary of commerce and police, in which shall be expressed the name of the Province or names of the Provinces where he is to exercise such industry. For the issuance of said license the director of the bureau of labor shall collect the sum of six thousand pesos annually which shall be covered into the insular treasury.

SEC. 4. *Commissioners.*—The Governor General, with the advice and consent of the commission, shall from time to time appoint a commissioner or commissioners for service outside of the Philippine Islands, whose duty it shall be to receive and hear the complaints made by Filipino laborers, to arrange the differences between the latter and their employers, to see to the compliance of the contracts made with said laborers, and to look after their interests in general, making a report of the condition thereof to the Governor General: *Provided*, That the compensation, traveling and other expenses of such commissioner or commissioners shall be fixed by the Governor General; but the total expense for this purpose shall not exceed six thousand pesos in any one year.

SEC. 5. *Minors.*—All of the contracts made with laborers shall be supervised by the director of labor, whose duty it shall be to permit no contracting of minors under fifteen years, and minors of eighteen years without the written consent of their parents or guardians.

SEC. 6. *Violations.*—Any violation of this act shall be punished by a fine of not to exceed two thousand pesos [$1,000] or by imprisonment for not more than two years, or by both fine and imprisonment in the discretion of the court.

ACTS OF 1916

ACT No. 2549.—*Company stores—Payment of wages*

SECTION 1 (as amended 1923, No. 3085). *Coercion; use of tokens, etc.*—It shall be unlawful for any person, firm, or corporation engaged in any business or enterprise in the Philippine Islands in any manner to force, compel, or oblige any laborer or other employee employed by him to purchase merchandise, commodities, or personal property of any kind or nature from such person, firm, or corporation, or from any other person, firm, or corporation, or pay or cause to be paid the wages due a laborer or employee, or any part of said wages, by means of tokens, tickets, chits, or objects other than legal tender currency of the Philippine Islands: *Provided*, That any contract between employer and laborer by which the latter binds himself to accept payment of his wages or any part thereof in tokens, tickets, chits, or other objects, and any other contract between them the direct or indirect purpose of which shall be to defeat the purposes of this act, shall be null and void.

SEC. 1-a (added 1922, No. 3085). *Enforcement.*—It shall be the duty of the director of labor to investigate and inspect personally or through his delegates the manner in which laborers' wages are paid not only in the cities and other industrial centers; but also on the plantations in the various parts of the Islands, and to denounce any direct or indirect violation of this act observed in the course of such investigation or inspection.

SEC. 2 (as amended 1923, No. 3085). *Violations.*—[Violations are punishable by fines, 100 to 1,000 pesos ($50 to $500), or imprisonment one month to one year, or both.]

ACTS OF 1917

ACT No. 2668.—*Salary law—Bureau of labor*

SECTION 1. *Salaries.*—The salaries of the officers and employees of the Philippine Government mentioned in this act shall hereafter be as follows:

* * * * * * *

(bb) The director of labor, 5,000 pesos ($2,500) per annum. The assistant director, 4,000 pesos ($2,000) per annum.

ACT NO. 2711.—*Administrative code*

SECTION 75. *Departments.*—There shall be six executive departments, to wit, * * * the department of commerce and communications, which shall be under the direct control of the respective secretaries of departments, exercising their functions subject to the general supervision and control of the governor general.

SEC. 86. *Bureaus.*—The department of commerce and communication shall have the executive supervision over the bureau of public works, the bureau of posts, the bureau of supply, the bureau of labor, and the bureau of coast and geodetic survey.

BUREAU OF LABOR

SECTION 2058. *Head of bureau.*—The bureau of labor shall have one chief and one assistant chief, designated, respectively, as the director of labor and the assistant director of labor.

SEC. 2059. *Powers and duties.*—The bureau of labor shall have the power, and it shall be its duty—

(*a*) To see to the proper enforcement of all laws relating to labor and capital in the Philippine Islands, and to promote the enactment of legislation which shall tend to establish the material, social, intellectual, and moral improvement of workers.

(*b*) To acquire, collect, compile, systematize, and submit from time to time reports to the department head, statistical data relative to the hours and wages of labor, the number of workers in each trade or occupation, employed and unemployed, their place of birth, age, sex, civil status, and moral and mental culture; the estimated number of families of married workers, houses rented by them, and annual rental; property owned by them, the value of such property; the cost of living, the amount of labor required, the estimated number of persons dependent on their daily wages, the probable changes in all the persons employed, the condition of shops, factories, railways, tramways, industrial and commercial establishments, and all other places or centers of labor, whether public or private, including the penal institutions of these islands, with respect to the safety of life and health of workers; the means adopted to avoid accidents or make reparation therefor; the number of accidents which take place, their causes and the action taken in each case; conditions and certainty of the payment of wages; the business of savings banks with the working classes; corporations, [sic] strikes, suspensions of work, and other labor difficulties, their causes and the remedies adopted in each case; mutual benefit associations, workers' insurance societies, associations for the collection of statistics and cooperative production, and other labor organizations, and their effects on labor and capital; private employment, complaint, defense, and consultation agencies for laborers; their conditions and effects and other matters relative to the commercial, industrial, social, educational, moral, and sanitary condition of the working classes and the permanent prosperity of the various industries of the islands; and in the case of laborers born in foreign countries, the date of their arrival and the length of their stay in these islands.

(*c*) To inspect all shops, factories, railways, tramways, vessels, industrial and commercial establishments, and all other places or centers of labor, whether public or private, and to take the proper legal steps to prevent the exposure of the health or lives of laborers, and to aid and assist by all proper legal means laborers and workers in securing just compensation for their labor, and the indemnity prescribed by law for injuries resulting from accidents when engaged in the performance of their duties.

(*d*) To secure the settlement of differences between employer and laborer and between master and servant and to avert strikes and lockouts, acting as arbitrator between the parties interested, summoning them to appear before it, and advising and bringing about, after hearing their respective allegations and evidence, such arrangement as these may, in his judgment, show to be just and fair.

(*e*) To organize in such towns in the Philippine Islands as it may deem necessary or advisable one or more free employment agencies. A fee in an amount to be fixed by the director of labor, with the approval of the department head, may be collected by said director from employers for services performed by an employment agency in securing servants and employees. An

employment agent shall not be subject to the provisions of the civil service law, unless his appointment shall so state.

SEC. 2060. *Attorney.*—There shall be in the bureau of labor an attorney to be known as the attorney of the bureau of labor. It shall be his duty to assist the director or assistant director of labor in all legal questions by them submitted to him, and to bring suit gratuitously in the proper courts, for indigent laborers or servants when he shall deem this proper after the failure of the endeavors to bring about a friendly settlement made by the director or assistant director of labor in the performance of the duties imposed and the exercise of the powers conferred upon them by subsection (*d*) of the next preceding section hereof.

SEC. 2061. *Oaths.*—The director of labor and the assistant director of labor shall have power to administer oaths in matters connected with the administration of the bureau of labor and to take testimony in any investigation conducted in pursuance of the provisions of this chapter.

The attorney of the bureau of labor shall have power to administer oaths as aforesaid and may, when thereunto specially deputed by the director of labor, exercise the authority to take evidence which is herein-above vested in said director.

PROVINCIAL EMPLOYEES—PAYMENT OF WAGES

SECTION 2118. *Payment in kind.*—Money expendable for provincial improvements of any character may, when duly authorized by the provincial board, be used for purchasing rice or other necessaries to be sold or paid in kind, without profit, to laborers actually engaged upon such improvements.

PROTECTION OF EMPLOYEES AS VOTERS

SECTION 2656 (as amended 1922, No. 3030). *Threatening discharge, etc.*—Any person who influences or attempts to influence a voter in connection with the forthcoming election by threatening to discharge such voter from his employment or to reduce his wages, or by promising to give him employment or higher wages, and any person who discharges any voter from his employment or reduces his wages, in connection with the forthcoming election, shall be punished by imprisonment for not less than one month nor more than five years, and by a fine of not less than one hundred pesos nor more than two thousand pesos, and by deprivation of the right of suffrage and disqualification from public office for a period of not more than five years.

* * * * * * *

ACTS OF 1923

ACT NO. 3071.—*Employment of women and children*

SECTION 1. *Mines, etc.*—It shall be unlawful for any person, firm, or corporation to employ females or males below the age of fourteen years as laborers in the mines or in places of labor where explosives are used or manufactured.

SEC. 2. *Seats; time for meals.*—Any person, firm, or corporation owning a factory, shop, or industrial, or mercantile establishment, shall be obliged to provide and place in its establishment, for the use of its laborers, seats proper for women and children and permit them to use said seats during the hours when they are free of work and during working hours, provided they can perform their duties in this position without detriment to efficiency. Laborers shall be allowed not less than sixty minutes for their noon meal.

SEC. 3. *Work time.*—[No person under 16 may be employed in any shop, factory, or commercial, or industrial establishment more than 7 hours per day or 42 hours per week. A schedule of hours must be posted in work rooms.]

SEC. 4. *Illiterates: certificates.*—[No child under 14 who does not know how to read and write may be employed on school days. A birth certificate is required for all employed children under 18.]

SEC. 5. *Bars.*—[No female under 18 or male under 16 may be employed at a licensed bar.]

SEC. 6. *Standing.*—[Women may not be employed in factories, shops, and the like, where constant standing is required.]

SEC. 7. *Poisonous substances.*—[No child under 16 may be employed in connection with the preparation of any poisonous, noxious, explosive, or infectious substance.]

SEC. 8. *Hazardous work.*—[No person under 18 may be employed in work involving serious danger to life.]

SEC. 9. *Toilets, etc.*—[Separate and suitable closets and lavatories must be provided for males and females, and at least one dressing room for women and children; but the director of the bureau of labor may exempt small shops, financially unable to comply herewith.]

SECS. 10, 11. *Employments forbidden.*—[No person under 16 may be employed to operate elevators, as motorman or fireman, to clean machinery, to work underground or do similar work; nor in billiard rooms, cockpits, or other places where games are played for stakes, nor in dance halls, stadiums, or race courses as bailarinas, boxers, or jockeys.]

SEC. 12. *Night work.*—[No child under 16 may be employed between 6 p. m. and 6 a. m.]

SEC. 13. *Child-bearing women.*—[Thirty days' vacation before and 30 days after confinement must be allowed employed women; nor may they be discharged without just cause, under penalty of two months' wages.]

SEC. 14. *Sale of drugs.*—[No person under 16 may be employed in the sale of medicines and drugs in a pharmacy, or for any work that may affect the health of the public.]

SEC. 15. *Violations.*—[Violations entail fines, 50 to 250 pesos ($25 to $125), or imprisonment ten days to six months, or both.]

PORTO RICO

ACTS OF UNITED STATES CONGRESS—1916–17

CHAPTER 145.—*Employment of labor—Department of agriculture and labor—Civil government act*

SECTION 2. *Limit of power; eight hours per day.*—No law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

* * * * * * *

Nothing contained in this act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

* * * * * * *

Eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

The employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

SEC. 13. *Departments.*—The following executive departments are hereby created: * * * a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; * * *

SEC. 18. *Duties of commissioner.*—The commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

* * * * * * *

SEC. 38. *Laws not to apply.*—* * * The [railroad] safety appliance acts and the several amendments made or to be made thereto * * * shall not apply to Porto Rico.

* * * * * * *

SEC. 52. *Offices abolished.*—* * * The offices of secretary of Porto Rico and director [of] labor, charities, and correction are hereby abolished. * * *

REVISED STATUTES AND CODES—1911

Liability of employers for injuries to employees

SECTION 916. *Liability declared.*—Where, after the passage of this act, personal injury is caused to an employee who is himself in the exercise of due care and diligence at the time:

1. By reason of any defect in the condition of the ways, works, or machinery, connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, or machinery, were in proper condition; or

2. By reason of the negligence of any person in the service of the employer intrusted with the exercising of superintendence whose sole or principal duty is that of superintendence; or

3. By reason of the negligence of any person in the service of the employer who has charge of, or physically controls, any signal, switch, locomotive engine, car, or train in motion, whether attached to an engine or not, upon a railroad. the employee, or, in case the injury results in death, his widow or children, or both of them, and if there be no such widow and children, then his parents (provided that said parents were dependent upon such employee for support) may maintain an action for damages against the employer, pursuant to the provisions of this act [secs. 916–925].

SEC. 917 (as amended 1913, No. 69). *Assessment of damages.*—When an employee receives a personal injury under any of the conditions enumerated in section one hereof he may bring an action against his employer before the proper district court to recover damages for such injury. In assessing the amount of such damages the court shall take into consideration the degree of culpability of the employer, or of the person for whose negligence the employer is liable hereunder, the sums expended by the employee for medical assistance, for drugs, medicines, and similar necessary expenses, and the loss of wages while recovering from the injury; the court shall also take into consideration the pain and suffering caused by the injury. If the injury be of such character as to permanently impair the earning capacity of the employee, the court shall include in the damages awarded an allowance for such loss. In case the injury results in a temporary impairment of his earning capacity, the court, in addition to pain and suffering and the expenditures for medical services and drugs, shall take into consideration the average rate of wages which, under ordinary conditions, he might have earned if not injured.

SEC. 918 (as amended 1913, No. 69). *Survival of action.*—In case of the death of the employee before the termination of the action so brought against the employer, it may be continued in the name of his widow or children, and if there be no such widow or children, then in the name of his parents, if they, or either of them, were dependent upon such employee for support at the time of the injury. If it shall appear in any action so continued in the name of the widow, children or parents of a deceased injured employee, that the death was the result of the injury, damages shall be assessed by the court, and the court shall estimate such damages in accordance with:

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee, in accordance with the actual needs that said claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his earning capacity and his probabilities of life at the time of the accident.

SEC. 919. *Suit by widow, etc.*—When, before having commenced an action hereunder, an employee dies as the result of personal injury received under any of the conditions enumerated under section 1 hereof [sec. 916], his widow, children, or both of them, or if there be no such widow or children, then his parents, provided such parents were dependent upon such employee for support at the time of the injury, may maintain an action against the employer before the proper district court, for damages caused by the death of such employee. Such damages shall not exceed the sum of three thousand dollars and shall be fixed by the court in accordance with:

(a) The degree of culpability of the employer or of the person for whose negligence the employer is liable.

(b) The material damage incurred by the claimant or claimants through the death of the employee in accordance with the actual needs that such claimant or claimants had to depend upon the wages of such employee for their support, taking into consideration his earning capacity and his probabilities of life, at the time of the accident.

SEC. 920. *Division of damages.*—The court, when fixing the amount of damages to be paid in case of death by personal injury under this act, shall determine the amount due to each of the claimants in proportion to the material damages incurred by each of them in accordance with the actual needs which each of them had to depend upon the wages of the employee whose death was caused by accident.

SEC. 921. *Limitation.*—No action for the recovery of damages for injury or death under the provisions of this act [secs. 916–925] shall be maintained unless notice of the time, place and cause of the injury is given to the employer within thirty days after the injury is received or unless it is commenced within

six months from the date of the injury. The notice required by this section shall be in writing, signed by the person injured or by some one in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after the incapacity is removed, and in case of his death without having given the notice and without having been at any time after his injury of sufficient capacity to give the notice, the person or persons entitled to claim compensation pursuant to the provisions of this act, or their representatives, may give such notice within thirty days after the death of such employee. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury: *Provided*, It is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

SEC. 922. *Employer liable, when.*—Whenever an employee [employer] enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, by reason of any defect in the condition of the ways, works, machinery, or plant, if they are the property of the employer, or furnished by him, and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

SEC. 923. *Knowledge of defect a bar.*—No employee, or his widow or children, or either of them, or his parents, if there be no such widow or children, shall be entitled under this act [secs. 916–925] to any right of compensation or remedy against the employer in any case where such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had intrusted to him some general superintendence.

SEC. 924. *Contribution to insurance fund.*—Any employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under this act [secs. 916–925], or who has insured the said employee in any insurance company against the accidents of labor, shall be entitled to have deducted from the sum which he shall have to pay as compensation under the provisions of this act, the amount that shall have been received by the person injured, or by his widow, or children, or both of them, or by the parents, if there be no such widow and children, from the aforesaid fund or from the insurance company, by reason of the same accident.

SEC. 925. *Exceptions.*—This act shall not apply to injuries caused to domestic servants, or farm laborers, by fellow employees.

Labor combinations—Intimidation

SECTION 1653. *Assemblages, etc., not unlawful.*—The orderly and peaceable assembling or cooperation of persons employed in any calling, trade, or handicraft, for the purpose of obtaining an advance in the rate of wages or compensation, or of maintaining such rate, shall not be unlawful, nor shall it be unlawful for such persons to organize trade or labor assemblies or unions for the purpose of bettering the mental and material condition of the members thereof by lawful peaceable means.

SEC. 1654. *Interference with employment.*—The employment of force, violence, intimidation or menace, or any form of coercion, by any person, or by persons associated together, against any other person or persons, whether with the object of preventing them from freely pursuing their employments, professions or trades, or whether with the object of influencing the price or remuneration paid for their work, shall be a misdemeanor, and any person convicted thereof shall be imprisoned not less than thirty days nor more than one year, or fined not less than ten dollars nor more than five hundred dollars, or both fined and imprisoned.

Payment of wages in scrip—Protection of employees as traders

SECTION 1667. *Scrip, etc., to be redeemable.*—It shall be unlawful for any corporation, company, firm, or person engaged in any trade or business, either directly or indirectly, to issue, sell, give or deliver to any person employed as laborer, journeyman or foreman, by such corporation, company, firm or person, in payment of wages due such laborer, or as advances for labor not due, and script [scrip], token, draft, check or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and, if any such script [scrip], token, draft, check or other evidence of indebtedness, be so issued, sold, given or delivered to such laborer, it shall be construed, taken and held in all courts and places to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm or person issuing, selling, giving or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving or delivering the same shall, moreover, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and, at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving or delivering the same, may be imprisoned not less than ten days nor more than six months.

SEC. 1668. *Coercion as to trading.*—If any corporation, company, firm or person shall coerce or compel, or attempt to coerce or compel, an employee in its, their, or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from any corporation, company, firm or person, such first-named corporation, company, firm or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section.

CIVIL CODE

Employment of labor—General provisions

SECTION 1486. *Term.*—The services of servants and laborers may be contracted for a fixed period of time, or without a fixed period. A hiring for life shall be void. * * *

SEC. 1487 (as amended 1917, Vol. II, No. 12). *Termination of contract.*—A person employed for domestic service, whether for the personal service of the head of the family or for the general service of the household, whose service contract is for a specified time, may leave such service or be dismissed before the expiration of the term of the contract; but if the employer dismisses the employee subject to these conditions without sufficient cause, he shall indemnify said employee by paying him the wages due and those for fifteen additional days.

SEC. 1488 (as amended 1917, Vol. II, No. 12). *Special laws.*—In addition to the provisions of the foregoing sections in regard to contracts between employers and employees, the provisions of special laws and regulations shall be observed.

SEC. 1489 (as amended 1917, Vol. II, No. 12). *Employees for fixed term.*—Field hands, mechanics, artisans and other laborers hired for a certain time or for a certain work can not leave nor be dismissed without sufficient cause before the contract is completed.

SEC. 1490 (as amended 1917, Vol. II, No. 12). *Dispossession of tools, etc.*—The dismissal of field hands, mechanics, artisans and other hired laborers to which the preceding sections refer gives the right to dispossess them of all tools and buildings which they may occupy under the contract.

SEC. 1491. *Contract may include what.*—The execution of a work may be contracted for by agreeing that the person who is to execute the same shall give his labor or industry only, or that he furnish the materials also.

SEC. 1492. *Contractor liable for destruction of work when.*—If the person who contracted for the work bound himself to furnish the materials, he shall suffer the loss in case of the destruction of the work before it is delivered, unless there has been delay in receiving it.

SEC. 1493. *Workman can not recover, when.*—A person who has bound himself to give his labor or industry only can not demand any payment if the work is destroyed before it is delivered, unless there should have been delay in receiving the same, or if the destruction should have been due to the bad

quality of the materials, provided that he may have given due notice of this circumstance to the owner.

SEC. 1495. *Work by piece.*—A person who binds himself to do a work by piece or by measure may demand of the owner that he receive it in installments, and that he pay therefor in proportion. The part paid for shall be presumed as approved and received.

SEC. 1498. *Personal contracts.*—When a certain work has been intrusted to a person by reason of his personal qualifications, the contract is rescinded by the death of said person.

In such case, the owner must pay to the heirs of the constructor [contractor], in proportion to the price agreed upon, the value of the part of the work executed, and that of the prepared materials, provided he may obtain any benefit from such materials.

The same shall be understood if the person who contracted for the work can not finish it by reason of any cause independent of his will.

SEC. 1499. *Liability of contractor.*—A contractor is responsible for the work done by the persons he employs thereon.

SEC. 1500. *Recovery on entire contract.*—Those who furnish their labor and materials in a work agreed upon for a lump sum by a contractor have no action against the owner, except for the amount the latter may owe the former when the action is brought.

SEC. 1501. *Acceptance of work.*—When it should be agreed that the work is to be done to the satisfaction of the owner, in the absence of his acceptance the approval is understood as reserved for the proper expert judgment.

If the person who has to approve the work is a third person, his decision shall be final.

SEC. 1502. *Earnings to be paid, when.*—Should there be no agreement or custom to the contrary, the price for the work must be paid upon delivery.

SEC. 1503. *Work may be retained.*—A person who has executed a work on personal property has the right to retain the same as a pledge until he is paid therefor.

CODE OF CIVIL PROCEDURE

Exemption of wages from execution

SECTION 249. *Amount exempt.*—[The earnings of a judgment debtor for 30 days prior to the levy are exempt if shown to be necessary for the support of a dependent family.]

PENAL CODE

Protection of employees as voters

SECTION 188. *Discharging, withholding wages, etc.*— * * * if an employer of laborers or any agent of such employer threatens to withhold the wages of, or to dismiss from service any laborer in his employment, or refuses to allow to any such employee time to attend at the place of election and vote, [he] shall be fined not more than one thousand dollars, nor less than twenty dollars, or imprisoned in the penitentiary not more than five years nor less than one year, and disfranchised and rendered incapable of holding any office of trust or profit for any period not exceeding ten years.

Employment of labor—Fraud

SECTION 470 (as amended 1916, No. 58). *Punishable as larceny.*—Every person who knowingly and designedly, by false or fraudulent representation or pretenses, defrauds any other person of money, labor, or property, or who causes or procures others to report falsely of his wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into possession of money, labor, or property, is punishable in the same manner and to the same extent as for larceny of the money or property so obtained, or of an amount equal to the value of the services or labor.

Employment of labor—Closing time—Sunday labor

SECTION 533 (as amended 1917, Vol. II, No. 26). *When establishments are to be closed.*—All day Sunday; from 12 o'clock noon on legal holidays, except Labor Day, that is, the first Monday in September, and the Fourth of July,

when they shall remain closed all day; from 9 p. m., every Saturday; from 6 p. m., every working day; and from 10 p. m., on December 24 and 31 and January 5 of each year, commercial and industrial establishments shall remain closed to the public and suspend all work for employees one hour after closing, except the following:

I. Libraries, sugar and alcohol factories, coffee-cleaning mills, and pharmacies only so far as relates to the dispatch of prescriptions and medicines at retail.

II. Public markets, printeries, garages and bakeries: *Provided*, That no establishment in public market places for the sale of provisions and merchandise shall be exempt from compliance with this act.

III. Establishments where coffee and refreshments only are sold; restaurants, hotels, inns, eating houses, places where meals are served, confectionery and pastry stores.

IV. Casinos, billiard rooms, ice depots, meat stands, milk stalls, and stands where sweets, matches, manufactured tobacco and periodicals are sold.

V. Slaughterhouses, dairies, livery stables, piers or docks and undertaking establishments.

VI. Public and quasi-public utilities and works of emergency necessary to prevent danger or considerable financial loss.

VII. Theaters or other places devoted exclusively to amusements or charitable purposes, shall not be comprised under the provisions of this section so far as relates to the purposes stated herein.

[The following sections of the amending act of 1917 require reproduction in this connection:]

Sec. 3 (as amended 1918, No. 3). *Weekly day of rest.*—Employees and clerks of enterprises and establishments exempted by this act, and who render services on the basis of an annual, monthly or weekly salary, or in any form other than for wages or piece work at a fixed price, shall be entitled to one day of rest for every six days of work, at full salary.

Sec. 4. *Violations.*—[For a first offense the penalty is a fine, not over $100, or imprisonment not more than 30 days; and for subsequent offenses, fines, $20 to $100, or imprisonment, 5 to 30 days, or both.]

ACTS OF 1913

Act No. 30.—*Protection of employees on buildings*

Section 1 (as amended 1923, No. 25). *Scaffolds, etc.*—All scaffolds, elevators, hoists, platforms, scales or ladders, or any other mechanical appliance, whether portable or fixed, placed or constructed by any person, firm or corporation in this Island for the purposes of building, repairing, altering, destroying or painting any house, building, bridge, viaduct, or other construction, shall be constructed in a secure, appropriate and convenient manner, and so placed when in operation as to offer proper and adequate protection to the life and limbs of the person or persons working thereon or passing thereunder, and in such manner as to prevent the falling to the ground of any materials or utensils placed thereon. All scaffolds, platforms or other similar appliances shall be, if possible, at least two feet wide and shall have a safety partition and railing, forming a closed rectangle, which shall be thirty-six inches in height from the floor or surface of said scaffolds or platforms, and shall extend the full length thereof and be solidly constructed, and firm and secure enough to prevent its giving way from the building or construction. The chief of the bureau of labor, or his representatives, are hereby authorized to stop any work where the above provisions are being violated, and to require such changes and modifications as may be necessary for the protection of the life or limbs of the persons employed in said places before the work may continue: *Provided*, That any natural or artificial person attempting to carry out any work in Porto Rico where the construction of scaffolds is necessary shall be required to notify the chief of the bureau of labor in writing within the first five days of commencing work, indicating the nature of the work to be done, the date when such work is commenced, as well as the municipality wherein the work is to be done.

ACTS OF 1913—EXTRA SESSION

Act No. 140.—*Hours of labor on public works*

SECTION 1. *Eight-hour day.*—The service and employment of all laborers, workmen, and mechanics who are now or may hereafter be employed by the people of Porto Rico or by any municipality or school board or other dependency of the people of Porto Rico or by any contractor or subcontractor upon any of the public works of any of the said municipalities, school boards, or other dependencies of the people of Porto Rico, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the people of Porto Rico or of any municipality or school board or other dependency of the people of Porto Rico whose duty it shall be to employ, direct, or control the services of such laborer, workman, or mechanic to require or permit any such laborer, workman, or mechanic to work more than eight hours in any one calendar day. No penalties shall be imposed for any violation of the provisions of this act due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life, property, public safety, or public health, or by other extraordinary event or condition on account of which the Governor of Porto Rico shall subsequently declare the violation to have been excusable.

SEC. 2. *Contracts.*—Every such contract, excluding contracts for the purchase of material or supplies, to which any municipality or school board or other dependency of the people of Porto Rico is a party which may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic working in Porto Rico, in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or a part of the work contemplated by the contractor shall be required or permitted to work more than eight hours in any one calendar day, and every such contract shall stipulate a penalty of five dollars for each laborer, workman, or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work, and no contract which does not contain this stipulation shall be approved by the officer charged with the approval thereof.

SEC. 3. *Violations.*—[Penalty of $5 is imposed for every day a workman is required or permitted to work more than 8 hours; the amount of penalties to be withheld from the salary of the officer or agent having charge of any public work, etc.]

SECS. 4, 5. *Enforcement.*—[Officials and others charged with the inspection or supervision of work must report all violations, giving names, time, etc.]

SEC. 6. *Review.*—[Contractors, officers, and others from whom the penalty has been withheld, may appeal to the governor for a review of the action within three months.]

SEC. 7. *Scope of act.*—[This act shall not apply to, or be construed as applicable to, the employment by the people of Porto Rico, or any municipality, school board, or other dependency of the people of Porto Rico, of persons whose services are rendered for a fixed rate of compensation per month or year, nor to the employment of laborers, workmen, or mechanics in the irrigation service of Porto Rico, nor to the employment of laborers, workmen, or mechanics engaged upon public works for any municipality, school board, or other dependency of the people of Porto Rico for which a contract or contracts have been, or may be, entered into under the provisions of appropriation acts passed by the legislature or ordinances for loans approved by the executive council prior to the passage of this act; nor to works on specific projects for which appropriations have been made prior to the approval of this act.]

SEC. 8. *Violations.*—[Failure to report violations of this act entails a fine of not more than $500 or imprisonment not more than 6 months, or both.]

ACTS OF 1917

Act No. 14.—*Weight that workmen may carry*

SECTION 1. *Maximum.*—No employee shall be required or permitted by his employer to carry on his head, back, or shoulders a weight or load for said employer of more than two hundred pounds.

SEC. 2. *Violations.*—[Violations are punishable by a fine not exceeding $100 for each offense.]

Act No. 17.—*Strikes, etc.—Notice in advertisements for labor*

Section 1. *Notice to be given.*—When any employer or owner of a factory or agricultural estate, or mercantile or industrial establishment of any kind, or any of their agents or representatives, during a general strike of their laborers or employees of any class or during a lockout, advertises in the newspapers, or by means of bills or in any other form, for laborers or employees of any class, or employs agents to solicit or personally solicits persons to work in place of such strikers, he shall state clearly and precisely in all such advertisements, whether written or verbal, the fact that a strike or lockout exists.

Sec. 2. *Violations.*—[Violations are punishable by fines not exceeding $100 or imprisonment not exceeding 100 days, or both.]

ACTS OF 1917—VOLUME II

Act No. 10.—*Suits for wages*

Section 1 (as amended 1923, No. 12).—*Employee to file complaint.*—Whenever a worker or employee shall find it necessary to claim from his employer any sum as compensation for work or labor done for said employer, he may appear before the municipal court for the municipal judicial district where the employer resides on date of the claim, and file a complaint against the said employer, which complaint shall be made out or filled in, as the case may be, by the judge or secretary of the court, the worker or employee setting forth therein under oath the facts upon which the claim is founded.

Sec. 1a (added 1923, No. 12). *Definitions.*—The word "worker" as used in this act, shall comprise all manual laborers of either sex and such natural persons as may be employed in domestic services or occupations of both sexes, and the word "employee" shall comprise all kinds of artisans, employees or clerks of business or industry, in the general acceptation of these last two words.

Secs. 2–14. *Rules.*—[Rules of procedure for hearings and appeals are given. Judgment is to be rendered within 24 hours after hearing and judgment must direct payment within 5 days. No costs accrue in this class of cases. The commissioner of agriculture and labor is to be notified of the date of hearing, and he may intervene through any employee under him. Mere defect in form does not invalidate a complaint, and the widest possible latitude is to be allowed in the introduction of evidence.]

Act No. 41.—*Factory, etc., regulations—First-aid provisions*

Section 1. *Scope of law.*—Every owner of a sugar factory, factory, workshop, electric or hydraulic plant, or building plant operating power-driven machinery outside of the urban zone, whose employees shall exceed fifty (50) in number, are [is] hereby obligated to provide a dispensary with a sufficient stock of medicines adequate for cases of accident.

Sec. 2. *Equipment.*—The dispensary referred to in section 1 hereof shall be established in a proper room with sanitary conditions and of sufficient light and supplied with water, telephone, operating table, and other appurtenances thereunto belonging, so that it may be used for giving first aid in cases of accidents: *Provided*, That in any accident occurring in the places mentioned in section 1 hereof the physician or minor surgeon shall be furnished with such supplies as it may be necessary to use.

Sec. 3. *Physician.*—It shall be the duty of every owner of a sugar factory, factory, workshop, electric, hydraulic, or building plant operating power-driven machinery, whose employees shall exceed fifty (50) in number, to contract for the services of a physician and a minor surgeon or a nurse for the care of traumatic accidents occurring during the year.

Sec. 4. *Minor surgeons.*—Minor surgeons under contract by virtue hereof shall be duly licensed to practice their profession and shall be provided with such instruments as may be indispensable.

Sec. 5. *Enforcement.*—The commissioner of health shall be in charge of the enforcement of this act and shall visit and inspect said dispensaries either personally or through his inspectors or other employees, to satisfy himself that said dispensaries are properly supplied with all the material necessary for the purposes for which they are intended.

SEC. 6. *Violations.*—Any violation of this act shall be punished by fine not to exceed five hundred (500) dollars or by imprisonment in jail for not to exceed six (6) months.

ACT No. 70.—*Railroads, etc.—Safety of employees—Accidents to be reported*

SECTION 3. *Facilities, etc., to be safe.*—It shall be the duty of every public-service company:

(*a*) To furnish and maintain such service, including facilities, as shall in all respects be just, safe, reasonable, adequate, and practically sufficient for the accommodation and safety of its patrons, employees, and the public, and in conformity with such reasonable regulations or orders as may be made by the [public service] commission.

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(*c*) To make all such repairs, changes, alterations, and improvements, including facilities, as shall be reasonably necessary for the accommodation or safety of its patrons, employees, and the public.

* * * * * * *

(*m*) To give immediate notice to said commission of the happening of any accident in or about, or in connection with, the operation of its property, facilities, or service, wherein any person shall have been killed or injured, and to furnish such full and detailed report of such accident, within such time and in such manner as the commission shall by general rule or special order or otherwise require. Such report shall not be open for public inspection, except by order of the commission, and shall not be admitted in evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in said report.

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ACT No. 91.—*Contracts of labor—Payment of wages*

SECTION 1. *Cash, discounts.*—In all contracts entered into with laborers their wages shall be paid exclusively in legal tender of the United States, and if by special agreement, through custom or for any other reason, the laborer should receive prior to his regular pay day any advance payment in cash, it shall be lawful for the employer to discount such advance payment. When a labor contract stipulates that all or part of the wages shall be paid otherwise than in cash, the same shall be null so far as relates to the promise or agreement to pay wages otherwise than in legal tender of the United States.

SEC. 2. *Conditions of employment.*—Employers shall not impose, directly or indirectly, in person or through their agents, and as an express or implied condition for the employment of a laborer, any stipulation relative to the place where or the manner in which the laborer shall spend all or part of his wages, nor compelling him to live on the employer's property. Employers or their agents are also prohibited from dismissing a laborer for having spent his wages, wholly or in part, in any determined place or manner, or with a determined person, or because he does not live on the property of the employer or his agent.

SEC. 3. *Wages due weekly.*—The total amount of wages due a laborer shall be paid him in legal tender of the United States and not otherwise, at intervals not to exceed one week: *Provided*, That when a laborer is dismissed or retires from work during any day of the week, it shall be the duty of the employer to pay him on the following Saturday the amount of wages earned during the days he has worked. All payments made to a laborer by an employer on account of wages, in merchandise or otherwise than in legal tender of the United States, shall be null.

SEC. 4. *Invalid defenses.*—In actions instituted by laborers against employers for the payment of wages due, the defendant can not allege delivery of merchandise on account of wages as a set-off for the reduction of the amount, nor that merchandise has been furnished him by a warehouse, depot, store or other establishment belonging to such employer. Neither can the defendant file a counter claim against the plaintiff for merchandise furnished the latter by another person upon order or instruction given to the defendant, his attorney in fact, or agent.

SEC. 5. *Invalid actions.*—Employers shall have no judicial action, nor shall they institute any judicial action against laborers, for merchandise sold,

delivered, or furnished by them to said laborers while in their employ on account or for the amount of their wages, or furnished by any warehouse, depot or store belonging to such employer.

SEC. 6. *Deductions.*—In cases where the employer or his attorney in fact makes an advance to the laborer in legal tender of the United States, he shall have the right to deduct the sum from the wages of the laborer. However, no retention of wages shall exceed the amount advanced. No employer shall deduct for any reason part of the wages earned by laborers, to be paid to other persons, except as provided in this section.

SEC. 7. *Definitions.*—For the purposes of this act, "employer" shall be understood to be any person utilizing or availing himself of the work of any laborer upon payment of wages; "laborer" shall be understood to be any person receiving wages for his work.

SEC. 8. *Violations.*—The violation of any of the provisions of this act shall constitute a misdemeanor; and subsequent violations of such provisions shall be punished by a minimum fine of fifty (50) dollars or by imprisonment in jail for 30 days.

ACTS OF 1919

ACT No. 19.—*Emigration of laborers*

SECTION 1. *Intervention authorized.*—The commissioner of agriculture and labor is hereby authorized to intervene, either in person or through his agents, in all matters concerning emigration of laborers from Porto Rico.

SEC. 2. *Measures to be taken.*—It shall be the duty of said commissioner, upon information that an emigration of laborers from Porto Rico is about to take place, to inquire into, inspect, intervene in, and regulate such propositions, promises, conditions, or offers made to native laborers in cases of emigration; to procure, subscribe, and enforce such contracts as may be entered into by natural or artificial persons residing within or without Porto Rico, whether in any State of the American Union or in foreign countries, and to see that the stability or repatriation of such laborers as may be out of Porto Rico shall be secured.

SEC. 3. *Obligation of government.*—The Government of Porto Rico shall have no obligation in any emigration to protect or enforce the rights of such persons as shall leave this country, unless the contracts entered into and between emigrants and the State contracting them shall have been approved by the commissioner of agriculture and labor: *Provided*, In case of emigration from this island, when such contracts are made by natural or artificial persons of foreign countries, whether or not residents of Porto Rico, compliance therewith shall be guaranteed by the government of such State, unless the contracting party furnishes sufficient guaranty to secure the rights of the emigrants.

SEC. 4. *Reports.*—It shall be the duty of any natural or artificial person in charge of contracting for emigration of laborers from Porto Rico, whether as principal or agent, to report to the commissioner of agriculture and labor all matters relative to such emigration, and to furnish him with all the data in his possession which may be necessary for the purpose of complying with the provisions of this act.

SEC. 5. *What emigration prohibited.*—The emigration of native laborers under sixteen years of age or over seventy is hereby absolutely prohibited, unless accompanied by their parents or legal guardians, or by their children or members of their families.

SEC. 6. *Violations.*—[Penalties for violations entail a fine not exceeding $500, or imprisonment not to exceed 6 months, or both.]

ACT No. 36.—*Mediation and conciliation—Insular commission*

SECTION 1. *Commission created.*—A mediation and conciliation commission is hereby created which shall have exclusive authority to intervene, under the conditions hereinafter established, in all industrial and agricultural controversies between laborers and employers.

SEC. 2. *Members.*—The mediation and conciliation commission shall consist of five members who shall be citizens of the United States and bona fide residents of Porto Rico and shall be appointed by the governor, for a term of four years, in the manner following: Upon the taking effect of this act, the governor shall request from bona fide labor organizations who shall have regularly and continuously sustained their social activities in Porto Rico, for the two years

immediately preceding and from employers established in the island or from associations of employers a list of the names of persons qualified to constitute the said commission. From the persons so proposed he shall designate two from among such as are proposed by the labor organizations and two from among those proposed by the employers or associations of employers, which said persons shall be appointed on behalf of the interest of laborers and employers, respectively; and as to the fifth member, who shall be president of the commission, the governor shall appoint him freely, on behalf of the people in general. Vacancies occurring in the said commission shall be filled in the same manner as herein provided for the appointment of the members thereof.

SEC. 3. *Duties.*—Said mediation and conciliation commission shall consult the governor as to the best manner of discharging their duties as mediators and conciliators, and shall have power to recommend legislation. It shall also prepare a list of persons who may be called upon to serve as arbitrators and mediators. It shall be called together by the chairman every time that a dispute or controversy between laborers and employers occurs or may occur. It shall be organized and shall have such adequate regulations as the commission may adopt and shall elect its own secretary. The members of the mediation and conciliation commission shall receive a per diem of five (5) dollars for each meeting which they attend, and shall receive their traveling and other expenses necessary better to discharge their duties. A majority of members of the mediation and conciliation commission shall constitute a quorum for the transaction of business and their resolutions shall be valid and lawful.

SEC. 4. *Secretary.*—The mediation and conciliation commission shall have power to appoint, remove, and fix the compensation of the secretary, which shall never exceed fifteen hundred (1,500) dollars a year. It shall likewise have power to appoint other temporary officers, such as examiners, investigators, assessors, technical personnel, experts, paymaster, clerks, and such other employees as it may need temporarily; such employees to be designated from among competent persons in accordance with the requirements of the civil service; and should there be no such persons meeting these conditions, the commission shall prepare and hold special examinations, for which it shall make announcements in due time, on such subjects as may be deemed necessary to ascertain the capacity of the candidates, and shall fill these positions with persons who satisfactorily pass such examinations.

SEC. 5. *Action on request.*—When a controversy occurs or threatens to occur between laborers and employers relative to the conditions of labor, the mediation and conciliation commission may intervene only when required to do so by the governor, a mayor, or a municipal council, or when any of the parties interested in the controversy shall appeal to the chairman of the mediation and conciliation commission requesting their services in reaching an amicable settlement of such controversy. But the chairman of the commission shall have power to offer the services of the mediation and conciliation commission to the interested parties: *Provided*, That in cases of industries affecting the public service, such as railroads, street railways, steamship lines, docks, and bakeries, it shall be the duty of the mediation and conciliation commission, as soon as it learns of the intention of the employers to declare a lockout, or of the laborers to go on strike, to intervene and do everything within their power to prevent by its good offices the carrying out of such purpose. In any case where the efforts of the commission to reach an amicable settlement are unfruitful, the commission shall immediately, if possible, endeavor to induce the parties to submit their differences to arbitration.

SEC. 6. *Arbitration.*—If the parties to the controversy are unwilling to submit their differences to arbitration, and should such controversy threaten an interruption of the business of the employers, and laborers with detriment to the public interests, the commission shall have authority to require both parties to consent to the creation of an arbitration board. Should the consent of both parties be secured, then the mediation and conciliation commission, from a list requested and prepared for the purpose, in accordance with the parties to the controversy, shall appoint a board of three members. Of the three members of the special arbitration board, one shall be chosen by the employers, another by the employees, and the third on recommendation of the two so chosen. If because of any circumstance the parties should fail to recommend the third member, or should fail to reach an agreement, the commission, upon the expiration of a determined period which it shall fix, shall appoint such third member. The aforesaid appointments shall be made by the mediation and conciliation commission in accordance with the list prepared for the pur-

pose by the employers and laborers interested in the controversy whose settlement is sought.

SEC. 7. *Power.*—When the board of arbitration shall have been so appointed and constituted, it shall do everything in its power to reach a settlement of the controversy. But should the intervention be without effect, and should any of the parties refuse to accept the conclusions of the board, then the mediation and conciliation commission shall have power to make an investigation of the controversy, and shall require the special arbitration board to submit a full report of the controversy to the commission including such recommendations as said board may deem advisable for the solution of such controversy. The commission shall have power to give adequate publicity to the report and to the recommendations submitted.

SEC. 8 (as amended extra session, 1923, No. 4). *Oaths, summons, etc.*—The mediation and conciliation commission shall have power, in case of the need of an investigation, to administer oaths, to issue summons, and to compel the appearance of witnesses and require them to testify, and to compel the production of books, papers, documents, etc., and to conduct the investigation and hearings, and to exercise such other similar powers as may be necessary, but in no case shall it have power to impose penalties for strikes, stoppage of work, or lockouts; *Provided*, That the proper district court shall have power to punish any disobedience of any lawful order of the commission as for contempt; *Provided, further*, That any employer or workman, or representative thereof, who may be summoned at any time prior to the arising of any controversy or at any time after the existence thereof, shall be bound to obey said summons and appear before the commission to explain the causes for the existence of such controversy or the probabilities and reasons for the existence of the said controversy. Any employer or employee, or representative thereof, as well as any witness whom the commission may wish to examine, who refuses or fails to appear after having been served with the proper subpoena of the commission, shall be guilty of contempt and shall be punished by a court of competent jurisdiction by a fine which shall not exceed two hundred (200) dollars, or by imprisonment for a term not to exceed thirty days; or by both penalties, in the discretion of the court.

SEC. 8a (added, extra session 1923, No. 4). *Citation.*—[A simple written citation under the seal of the commission, signed by the president thereof, and addressed to the proper person, is to be considered as a good and sufficient subpoena.]

SEC. 9. *Commissioner of agriculture and labor.*—The commissioner of agriculture and labor shall have power to bring to the attention of the mediation and conciliation commission any industrial dispute in which the intervention of the commission may be desirable. The commissioner of agriculture and labor, or any officer whom he may designate, shall be also authorized to appear before the mediation and conciliation commission and before the special arbitration boards, at their request, as amicus curiae, to establish facts in connection with labor conditions.

SEC. 10. *Failure of intervention.*—If after such efforts the intervention of the mediation and conciliation commission should be useless, after informing the public in detail of the efforts made, so that public opinion may judge the party on whom responsibility for the industrial disturbance rests, the commission shall recommend and enforce strict compliance with such laws as guarantee the rights of citizens, and which may be applicable to these cases, and shall endeavor to prevent any act of partiality or extralimitation of the public authorities, so that the controversy may be ended by the proper and guaranteed effort of the parties involved therein.

SEC. 11. *Definitions.*—The term "controversy," as used in this act, shall be understood to mean any dispute between employers and laborers over differences in wages, hours of labor, or their special conditions as to rights, duties, and privileges of employers and laborers, when, by reason of such disputes, interruption or threatened interruption occurs in the labors in which they are engaged.

The term "lockout," as used in this act, shall be understood to mean the act of closing any place where laborers are employed, or the suspension of the work of any or all their laborers as a result of a controversy as above defined or discrimination against any laborer in giving work for reasons other than personal ability or capacity, with the object of forcing their laborers or those of other employers to accept such labor conditions as it may be desired to impose upon them.

The term "strike," as used in this act, shall be understood to mean the stopping of work by a number of laborers combined, due to any controversy as above defined, when said strike is carried on as a means of forcing the employer to accept the labor conditions demanded of him.

SEC. 12 (as amended extra session, 1923, No. 4). *Appropriation.*—To carry out the provisions of this act there is hereby appropriated from any funds in the Insular Treasury the sum of fifteen thousand (15,000) dollars, which sum shall be placed at the disposal of the Governor of Porto Rico, with preference over any and all other appropriations made for other purposes, at any time that the Governor of Porto Rico shall call for said funds to carry out the provisions of this act.

ACT No. 45.—*Minimum wages for females*

SECTION 1. *Wages to be paid.*—It shall be unlawful for any employer of women, girls inclusive, in industrial occupations, or commercial or public-service undertakings in Porto Rico, to pay them wages lower than those specified in this section, to wit:

Women under 18 years of age at the rate of four (4) dollars a week, and over said age at the rate of six (6) dollars a week. The first three weeks of apprenticeship shall be exempt from the provisions of this section. The provisions of this act shall not be applicable to agriculture and agricultural industries.

SEC. 2. *Violations.*—Any employer paying any woman, girls included, wages lower than those specified in section 1 shall be guilty of misdemeanor, and upon conviction shall be punished by fine not to exceed fifty (50) dollars nor less than five (5) dollars.

SEC. 3. *Enforcement.*—The bureau of labor shall be intrusted with the enforcement of this act.

ACT No. 73.—*Employment of women and children—General provisions*

SECTION 1. *Hours for women.*—No woman shall be employed or allowed to work at any lucrative occupation during the hours between ten o'clock at night and six o'clock in the morning, nor more than eight hours during any natural day, nor more than forty-eight hours during any week: *Provided, however*, That the limitation of eight hours may be extended not to exceed nine hours during any natural day; *Provided*, That any woman so employed for wages during more than eight hours in any natural day shall be paid for work done during such extra time at a rate double the rate paid her for the preceding eight working hours; but in no case shall a woman be employed or allowed to work over forty-eight hours during any week.

This section shall not be applicable to women over sixteen years of age employed as telephone operators, telegraphers, artists, nurses, or domestics.

SEC. 2. *Schedules to be posted.*—Every employer shall post in a conspicuous place in every department where women are employed, or in the office of the farm or rural property where they work, a printed announcement stating the number of hours of labor required of women on each day of the week, the hours of commencing and quitting work, and the hours at which periods for meals commence and end: *Provided*, That no woman shall work in each period for more than four hours, and the time allowed for meals shall not be less than one hour.

An announcement equal to that hereinbefore described, stating the daily hours of labor required of children, shall be posted in a conspicuous place: *Provided*, That no child shall work more than three and one-half hours during each period of labor.

In industrial establishments, farms, or rural properties where women and children are employed during alternate hours each day of the week a special announcement shall be posted, showing the name of each woman and child, and the hours they work during each day of the week.

The hours stated in the announcement posted for women and children shall be prima facie evidence that such hours of labor in each industrial establishment, farm, or property shall constitute the allotment of the legal working day.

It shall be the duty of all employers of women and children to apply for printed forms for said announcements, which shall be furnished free of cost by the bureau of labor.

SEC. 3. *Report.*—Any employer employing or permitting women, or children under sixteen years of age, to work, shall notify the bureau of labor of the fact, stating the number of women and children employed, their occupation, and the regular hours of work during which they are employed.

SEC. 4. *Seats.*—Any employer employing women in any establishment shall direct the placing of appropriate chairs convenient to the place where such employees ordinarily work, or near such place. Said chairs, which shall be comfortable, shall be for the use of female employees, who shall have free access to the same at all times save when occupied in duties which they cannot discharge while seated.

No woman under sixteen years of age shall be employed in any establishment where she must stand constantly.

SEC. 11. *Air space.*—No room or department where women or children under eighteen years of age work, shall be of such capacity that the space corresponding to each employee shall be less than four hundred cubic feet; and except in cases where a written permit is obtained from the chief of the bureau of labor, the amount of air corresponding to each employee shall not be less than two hundred and fifty cubic feet.

SEC. 12. *Sanitation.*—Every employer or head of an establishment where women or children under eighteen years of age work, shall direct and see that there shall be in each working department of said establishment appropriate and sufficient means of ventilation, potable water, and sanitary cups. If, during the course of the day's work, excessive heat, vapor, gases, dust, or other impurities obnoxious to health are produced, the department shall be ventilated in such manner as to put it in good condition in accordance with the health laws.

SEC. 13. *Walls.*—Every establishment where women or children under eighteen years of age work in dust-producing occupations, shall be whitewashed and painted at least once every twelve months, of which the bureau of labor shall be notified.

The floors of the rooms of such establishments shall be perfectly washed with soap and water at least once a month, and all dressing and toilet rooms of said establishments shall be properly washed every day.

SEC. 14. *Violations.*—[Violations of this act are punishable by fines, $25 to $100 for first offense, and $100 to $1,000 for a second offense.

SEC. 15. *Definitions.*—In this act, unless otherwise deduced from the text, the following definitions of works and phrases herein used shall be accepted:

"Employer" includes all natural or artificial persons, and the manager, superintendent, foreman, overseer, or representative of said natural or artificial persons.

"Lucrative occupation" includes all works or all work in factories, mills, centrals, machine shops, or establishments, or places of any kind where a factory or mechanical enterprise exists; and in storehouses, stores, establishments, or places of any kind where mercantile transactions are carried on; and on farms, plantations, rural properties, or places of any kind where agricultural, horticultural, or pasturing pursuits are followed; and in all mining and fishing undertakings.

"Establishment" includes every building, factory, shop, store, or place of like nature where any lucrative occupation is engaged in.

"Plantation" includes every hacienda, rural estate, or other parcel of land where any lucrative occupation is engaged in.

SEC. 16. *Enforcement.*—The bureau of labor is hereby authorized to carry out the provisions of this act, to prosecute violations of the same, to summon witnesses, to take oaths and testimony, to compel the production of books, documents, and any other evidence, and to visit and examine through his chief or his assistants, the building of any establishment or property referred to herein.

ACTS OF 1921

ACT NO. 65.—*Bureau of labor*

SECTION 1. *Bureau created.*—There is hereby established in the department of agriculture and labor a bureau of labor under the direction of the chief of the bureau of labor, who shall be appointed by the commissioner of agriculture and labor, and who, upon his induction into office, shall be included in the classified civil service.

SEC. 2. *Assistant.*—There shall also be in the bureau of labor an assistant chief, appointed by the commissioner of agriculture and labor, who shall render such services as the chief of the bureau may require and shall act as chief of said bureau in the absence of the chief.

SEC. 3. *Duties.*—The chief of the bureau of labor shall collect and collate data relative to labor, and shall report specifically to the commissioner of agriculture and labor on the wages of male and female laborers and the means of improving their material, intellectual, and moral welfare. He shall investigate the causes and facts in connection with controversies and disputes between employers and employees, and shall prepare, collate, and publish labor statistics, and shall issue such reports and bulletins relative to general labor conditions throughout the island of Porto Rico as may from time to time, with the approval of the commissioner of agriculture and labor, be deemed necessary for transmittal to the commissioner of health in regard to the sanitary conditions of all factories, farm or agricultural properties, shops, and sugar or industrial establishments in the island of Porto Rico where laborers are employed.

SEC. 4. *Report.*—The chief of the bureau of labor shall render monthly a written report to the commissioner of agriculture and labor, which report shall contain the data collected and collated by him and such recommendations as he may deem pertinent for the development and efficiency of the bureau and for the purposes of section 3 hereof, and which shall be transmitted to the Legislature of Porto Rico.

SEC. 5. *Duty of employer.*—It shall be the duty of every employer, operator, or manager of any factory, shop, mine, mill, or other establishment where laborers are employed to furnish the bureau of labor, on blanks supplied by said bureau, all such data and reports as said bureau may require for the purpose of compiling the statistics required by this act, and said employer, operator, or manager shall furnish such reports and data as may be requested by said bureau within a term of not more than thirty (30) days after such employer, operator, or manager has been duly required to furnish such data; but such data and reports as the aforesaid bureau may publish shall not give the names of such persons, firms, or corporations as furnish said data, which shall be deemed absolutely confidential, and any employer, operator, or manager failing to perform the duty required by this section shall be punished by a fine of not to exceed fifty (50) dollars.

SEC. 6. *Witnesses.*—The chief or assistant chief of the bureau of labor shall have power to summon witnesses and to administer oaths in all matters connected with labor laws and with such other duties as may be expressly imposed by any act. Any person refusing to appear when summoned in writing and failing to show justified cause for such nonappearance in order to testify on any fact of which such person has knowledge shall be guilty of a misdemeanor, and upon conviction shall be punished by a competent court by a fine of not to exceed fifty (50) dollars or by confinement in jail for a term of not more than thirty (30) days: *Provided*, That no witness shall be summoned to appear at said investigation in a municipality other than that where his domicile is located.

SEC. 7. *Examination of conditions.*—The chief of the bureau of labor, or any inspector thereof, shall have power to enter any factory, mill, or mine by first notifying the chief or person in charge of said establishment, for the purpose of obtaining data or information for the statistics herein required and to examine the methods employed for the protection of employees against accidents and to ascertain and investigate the sanitary conditions of the place where said laborers work; and any employer, manager, or operator of any industry, factory, farm, or agricultural property, mill, mine, or public works, or his agent, who refuses admission thereto of an inspector or employee of said bureau, or who refuses to furnish such information as may be really necessary in the manner prescribed by section 5 of this act shall be guilty of a misdemeanor and punished by a fine of not more than fifty (50) dollars.

SEC. 8. *Public lectures.*—The chief of the bureau of labor, in person or through his duly authorized officials, shall give public lectures and shall strive to advance the welfare of workmen of Porto Rico, improve their working conditions, and promote their opportunities for securing lucrative employment, and may attend laborers' and employers' assemblies or meetings and take part in the debates, should he be invited to do so.

SEC. 9. *Employees.*—In addition to the chief and assistant chief, there shall be one chief clerk, one stenographer, one translator, one file clerk, ten inspectors, and one messenger.

The employees of said bureau shall receive such salaries as may be determined in the appropriation act of Porto Rico.

SEC. 10. *Data.*—The chief of the bureau of labor, through the commissioner of agriculture and labor, may request of the heads of departments and of municipal commissioners all the data in the possession of said departments and municipalities which may be of interest to the bureau of labor for carrying out the duties imposed upon him by law.

SEC. 12. *Definitions.*—For the purposes of this act the words "employer" and "employee" shall mean—

(a) "Employer" includes any person, whether natural or artificial, who employs one or more persons in any agricultural, industrial, or public-service enterprise, for payment in money or other compensation or remuneration of any kind, and the manager, superintendent, inspector, principal, supervisor, agent, or representative of said person or association of persons.

(b) "Employee" includes any person or persons employed by an employer, or who works for him for money, remuneration, or compensation of any kind.

SEC. 13. *Employees.*—[All the office clerks and inspectors of the bureau of labor shall be appointed by the commissioner of agriculture and labor.]

ACT NO. 75.—*Employment of children—General provisions*

SECTION 1. *Definitions.*—[The term "child" means a person under 18 years of age, "minor" a person under 21.]

SEC. 2. *Age limit.*—[No child under 14 may be employed in any gainful occupation, with the exception of domestic, farm, and garden labor.]

SEC. 3. *Work time.*—[No child may be employed more than 6 days or 48 hours per week, or more than 8 hours per day, nor between 6 p. m. and 8 a. m., in any gainful occupation except domestic, farm, and garden labor. A schedule of work hours, on a printed form furnished by the bureau of labor, shall be posted in all work places where children are employed.]

SEC. 4. *Employments forbidden.*—[No child may be employed in any quarry, tunnel, or excavation, or where tobacco is manufactured or prepared. No girl under 16 may work in a cigar or tobacco store, hotel, boarding house, or theater or other place of amusement.]

SEC. 5. *Dangerous, etc., occupations.*—[The chief of the bureau of labor, with the commissioner of health, may decide what trades, processes, etc., are dangerous or injurious for children and minors, and forbid employment therein.]

SEC. 6. *Messenger service.*—[No female under 18 may be employed in messenger or delivery service. No male under 18 may be so employed between 10 p. m. and 5 a. m.]

SEC. 7. *Acrobatic, etc., occupations.*—[No child under 16 may be employed in acrobatic, mendicant, etc., occupations. For the text of a similar law see sec. 2223, Delaware Code.]

SEC. 8. *Permits.*—[Employers of children, under 16, except in domestic, farm, and garden labor, must keep on file a permit and a list of employed children.]

SECS. 9–13. *Issue, etc., of permits.*—[Permits are issued by the chief of the bureau of labor or a person authorized by him on evidence of age, school record (completion of 6th grade), and certificate as to physical fitness. There must also be an employer's statement of intention to employ.]

SEC. 14. *Vacation permits.*—[Special permits for vacation employment involve the same conditions as regular permits.]

SEC. 15. *Notice of employment.*—[Employers employing children with permits must notify the bureau of the beginning and termination of employment.]

SEC. 16. *Statement as to age.*—[The employer of a child claiming to be 16 years of age may request of the permit officer a statement as to the child's age, to be issued on evidence satisfactory to said officer.]

SECS. 17, 18. *Inspection.*—[A labor inspector may inspect any place of employment, and may demand proof of age of children employed therein. A physician assigned to such duty may inspect places of employment with regard to suitable conditions of work and the physical fitness for their employment of the children employed therein.]

SEC. 19. *Violations.*—[Penalty of fine not to exceed $100 or imprisonment not over 30 days, or both, is provided for a first offense, the terms being doubled for repeated violation. Forgery or fraud in procuring or altering a permit may entail a fine up to $500 or imprisonment to one year, or both.]

SECS. 20, 27. *Enforcement.*—[Police officers, the juvenile courts, etc., are to cooperate with the chief of the bureau of labor in enforcing the act. The right to enter any place of employment covered by the act is given the chief of the bureau and inspectors and officers appointed under its terms.]

ACT NO. 86.—*Labor camps—Company houses*

SECTION 1. *Houses.*—Any house or place of lodging to be used or occupied as a shelter for laborers under contract or brought from any part of the country by a corporation, firm, manufacturer, factory, or agricultural estate shall be kept in good condition of cleanliness and in accordance with sanitary provisions, and shall have a capacity of not less than three hundred (300) cubic feet of space for each adult or nine hundred (900) cubic feet for one man, one woman, and two children: *Provided*, That nothing contained in this section in regard to capacity shall apply to buildings or structures which may have been built before the taking effect of this act: *Provided further*, That in no case shall the lodging of laborers be permitted in places where merchandise is stored, and any violation of this provision shall be considered a misdemeanor.

SEC. 2. *Drainage.*—The lands on which such lodgings are located shall be drained by necessary ditches to carry off rainwater and shall be kept absolutely clean and free by the tenants from all residue injurious to health.

SEC. 3. *Enforcement.*—Every corporation, firm, or employer, or his representative or agent, shall be obliged whenever so required by the department of health or by the department of agriculture and labor, or their representatives, to carry out existing legal provisions.

SEC. 4. *Inspection.*—The representatives of the department of agriculture and labor and of the department of health shall have free access to such lodgings at any time or place required.

SEC. 5. *Violations.*—Any corporation, firm, employer, or manufacturer which through its agent or person in charge violates any section of this act shall, upon conviction, be punished by a fine of not more than fifty (50) dollars or by imprisonment for not more than thirty days.

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ACT NO. 11.—*Employment on public works*

SECTION 1. *Hours—Wages.*—In all contracts where the insular government, any municipality of Porto Rico, or any commission or board appointed by virtue of law is a party, which contract authorizes the contracting of laborers, workingmen or mechanics, shall contain a clause providing that no laborer, workingman or mechanic employed by the contractor, subcontractor, or any other person doing or having agreed to do all or part of the work which is the object of the contract, shall be allowed or compelled to work more than eight hours a day in any natural day, except in cases of extraordinary emergency caused by fire, inundation, or danger of loss of life or property; and said laborers, workingmen or mechanics employed in any insular or municipal public work shall receive not less than one dollar for each legal day's work performed: *Provided*, That all contracts for public works entered into hereafter shall be null and void unless it contains the clause prescribed by this section.

SEC. 2. *Violations.*—[Penalties for violations are fines not exceeding $25 or imprisonment not exceeding 25 days, or both.]

ACT NO. 51.—*Public employment office*

SECTION 1. *Office created.*—There is hereby created a general employment agency in charge of an officer who shall be appointed by the commissioner of agriculture and labor whose official denomination shall be the general employment agent, and who shall draw the salary assigned to him in the general budget of the Island. It shall be the duty of said officer to make investigations and to suggest remedies for the solution of such problems as re-

late to the ends and purposes hereinafter determined and every three months he shall render a report of the result of his work to the commissioner of agriculture and labor.

SEC. 2. *Purposes, etc.*—The purposes and objects of this agency shall be as follows:

(a) To obtain full information as to the means of obtaining remunerative labor for all persons requesting such work without reference to sex;

(b) To study the best methods and plans of foreseeing, avoiding, and deciding the problem of lack of employment;

'(c) To study the form whereby the people of Porto Rico, the municipalities, or any of their dependencies, may offer opportunity of public labor during periods of great industrial crises or business depression;

(d) To open temporary offices in charge of labor inspectors to which the public shall have access. Bulletins giving information relative to available employment and work shall be posted in said offices;

(e) To compile, classify, and publish all applications for work made through the agency, and all offers of employment received thereby, communicating the same to interested parties;

(f) To acquire reports relative to the capacity and conduct of persons offering or applying for employment, preparing a classified list thereof, which shall be kept secret. The agency shall likewise preserve a statement of testimonials of its clients, certificates of good conduct, physical ability, time of service in the trade or specialty engaged in, and the hours of labor and wages or remuneration desired;

(g) To endeavor to obtain information from abroad where possibilities of employing laborers under adequate and remunerative conditions exist;

(h) To establish and develop relations with employment agencies and the employment service of the Department of Labor of the United States.

SEC. 3. *Reports.*—The general employment agent shall prepare annually and forward to the commissioner of agriculture and labor for insertion in his report a detailed and complete statement of work done, and statistics relative thereto.

SEC. 4. *Same.*—Statistics shall show the trades or professions of applicants, the number of days and months during which they have been unemployed or waiting for employment, salaries demanded by them, and the salaries offered or accepted by them; the changes of service to which they are subject, the place where laborers come from, the address of employers or enterprises, and any other information which may serve as a basis for the study of these matters so as to cover them in all their aspects.

SEC. 5. *Strikes and lockouts.*—An employer or any representative of an employer or of a laborer, may register in the employment agency a signed declaration relative to the existence of a strike or lockout affecting his trade or profession. Said declaration shall not be exhibited in the office until the employers affected, if made by laborers, or the laborers affected, if made by employers, shall have been informed thereof. In case of receipt of an answer to the notification it shall be exhibited by the agency. If any employer affected by the declaration notifies the employment agency of a vacancy or vacancies, the officer in charge of filling the same shall inform any person applying for such position or positions of the declarations made.

SEC. 6. *Refusing employment.*—No person shall be disqualified or in any manner prejudiced for refusing to accept any employment or work that may be offered him by the employment agency when such refusal is based on the existence of a strike or lockout affecting the work, or when the wages are lower than current wages in the trade or in the district or locality where such work or employment is offered.

SEC. 7. *Offices.*—The agent may organize a central office or branches with separate entrances for men, women, and children. He may likewise subdivide the same into sections for agricultural or other labor, as in his judgment may seem proper.

SEC. 8. *Children.*—Persons between the ages of fourteen and eighteen years, shall be registered on special forms which the agent shall prepare in agreement with the commissioner of agriculture and labor. Such application shall be accompanied by the certificates and other requirements of the law relative to the work of women and children. The general employment agent shall endeavor to obtain from the Department of Education of Porto Rico the establishment of night schools for the purpose of furnishing primary education to such children as must abandon school to work for their subsistence. Em-

ployers employing such children or youths shall require of them, fortnightly, a certificate from the teacher of the night school which they attend. Special forms for this purpose and for use by children or youths under these conditions shall be prepared by the agent in cooperation with the commissioner of agriculture and labor.

SEC. 9. *Transfer of applications.*—The general employment agent may transfer applications for work or employment from places where an excess of hands exist to places in the United States where there is a demand for laborers. For this purpose he shall prepare lists of such demands for work or employment as there may exist in the country or out of the country, in accordance with the provisions of this act, and shall forward the same for publication to the press and to the superintendents of all branches of the general employment agency. Said superintendents shall post such lists in conspicuous places and of free access to the public, for their inspection and information. Whenever proper and advisable the general employment agency may publish bulletins for the purpose of giving information of its purposes and objects and of general conditions of labor within as well as outside of the Island, and shall establish relations with the Department of Labor of the United States.

SEC. 10. *Fees, etc., forbidden.*—Any agent, employee or subordinate or any other person appointed under the provisions of this act who directly or indirectly accepts any fee, compensation or donation, or who shall use improper means for giving information, employment or work to any person, shall be guilty of misdemeanor and punished by a fine not to exceed five hundred (500) dollars, or by imprisonment for a term not to exceed six months, or by both penalties, in the discretion of the court, and shall be disqualified for any other office in this bureau.

SEC. 11. *References.*—All testimonials, references or other documents confided by the interested party to the general employment agency shall be returned upon application, proper receipt being taken therefor.

SEC. 12. *Inspection.*—The general employment agency and its branches shall always be open to the inspection of the commissioner of agriculture and labor.

SEC. 13. *Definitions.*—In this act, unless from the context thereof it is otherwise deduced, the following definitions of words and phrases shall be accepted:

"Employer" includes all natural or artificial persons and the administrator, superintendent, foreman, agent, overseer or representative of said natural or artificial person, having charge of the employment of persons for the carrying out of any work or labor of any enterprise.

"Employment and work" refers to lucrative occupation including all work or labor in factories, mills, centrals, machine-shops or establishments or places of any kind where a factory or mechanic enterprise exists; in warehouses, stores, establishments or places of any kind where mercantile transactions are carried on; in estates, plantations, properties, or places of any kind where agricultural, horticultural or pasturing enterprises exist, and in all mining or fishing enterprises where persons are employed for wages in an intellectual or manual capacity.

"Establishments" includes buildings, factories, shops, stores or other establishments of like nature where persons are engaged in any lucrative occupation.

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CHAPTER 51.—*Private employment offices*

SECTION 18. *Licenses.*—[Boards of police commissioners, boards of aldermen and town councils may license suitable persons as keepers of intelligence or employment offices for others than seamen. These bodies may fix license fees, make regulations, fix fees to be charged for services, etc. No agency may operate without a license.]

CHAPTER 76.—*Employment of children—School attendance*

SECTION 1 (as amended 1923, ch. 2367). *Attendance required.*—[School attendance is required to 16 years of age unless a child at 15 is lawfully employed.]

SEC. 4. *Enforcement.*—[Enforcement is in the hands of truant officers, who may visit any establishment where children are employed and require reports of children employed.]

CHAPTER 79.—*Vocational rehabilitation of injured workmen*

SECTION 1. *Scope.*—The commissioner of education, with the approval of the State board of education, is hereby authorized and empowered to provide for the vocational rehabilitation of persons disabled in any legitimate occupation and their return to civil employment. If any person, being a resident of this State, by reason of physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is or may be expected to be totally or partly incapacitated for remunerative employment or service in his occupation, the commissioner of education, with the approval of the State board of education, may, if the person is a suitable subject for rehabilitation, assist in rendering him fit to engage in a remunerative occupation by appointing him as a State scholar at any suitable school or institution either within or without the State, or by providing suitable instruction in school or shop or other suitable place, for a period in either instance not exceeding one year: *Provided*, That the period of instruction may be extended upon proof of satisfactory accomplishment and the need of extension to insure rehabilitation: *And provided further*, That the commissioner at any time for reasonable cause may revoke any scholarship or discontinue other provision for instruction.

SEC. 2. *Board of education.*—The board of education are hereby clothed with the duty and responsibility of supervising the rehabilitation and education of all such beneficiaries, and no beneficiary appointed under the provisions of this act shall be withdrawn from any institution or school except with their consent or the consent of the governor; and said board shall annually report to the general assembly their doings under the provisions of this act, with such recommendations and further information in relation to the several institutions at which these beneficiaries have been placed as may be deemed desirable.

SEC. 3. *Funds.*—The general assembly shall annually appropriate such sum as it may deem sufficient and advisable for the purpose of carrying out the provisions of this act; and the State auditor is hereby directed to draw his orders upon the general treasurer for the payment of any sum appropriated for the purposes of this act, or so much thereof as may from time to time be required, upon receipt by him of proper vouchers signed by the commissioner of public schools and approved by the governor.

SEC. 4. *Artificial limbs.*—The commissioner of public schools may, in his discretion, also, out of the appropriations made under the provisions of this act, provide to beneficiaries under the provisions of this act artificial limbs, wholly or partially free of charge, or at cost, to be repaid by said beneficiaries in installments to be fixed by said commissioner, and all moneys collected from

such installment repayments shall be turned into the State treasury, and such money is hereby reappropriated for the purposes of this act.

SEC. 5. *Exceptions.*—This act shall not apply to aged or helpless persons requiring permanent custodial care, or to insane, epileptic, or feeble-minded persons, or to other persons who, in the judgment of the commissioner of education, may not be susceptible to rehabilitation.

CHAPTER 85.—*Factory, etc., regulations—Employment of children*

SECTION 1 (as amended 1923, ch. 2367). *Age; certificates.*—[Children under 15 may not be employed in any factory or manufacturing or business establishment in the State, unless by limited certificate to a child 14 years of age, permitting employment outside school hours; nor may a child under 16 work between 8 p. m. and 6 a. m. Certificates are required for all children under 16, showing age, schooling equivalent to six grades, and physical ability for employment. Certificate is held by issuing authority until an employer gives notice of intention to employ, when the certificate issues to him, to be returned when employment ceases. Certificates are subject to inspection, and proof of age must be furnished in doubtful cases. Special permits are provided for in the case of children mentally incompetent to pass the literacy test, but physically able to work. Failing or refusing to produce a certificate on demand of an inspector entails a fine, $10 to $50.]

SEC. 2. *Application.*—[The law applies to employers of 5 or more persons, but does not apply to agricultural pursuits, nor affect the law as to acrobatic, etc., employments.]

SEC. 3. *Inspectors.*—The governor shall, during the January session, A. D. 1923, and in the month of January every third year thereafter, appoint, with the advice and consent of the senate, one chief factory inspector, one deputy chief factory inspector, and three assistant factory inspectors, one of whom shall be a woman, whose term of office shall be three years and until their successors shall be so appointed and qualified. * * * Said inspectors shall be empowered to visit and inspect, at all reasonable hours and as often as practicable, the factories, workshops, and other establishments in this State subject to the provisions of this chapter, and shall report to the general assembly of this State at its January session in each year, including in said reports the name of the factories and the number of such hands employed. It shall also be the duty of said inspectors to enforce the provisions of this chapter and prosecute all violations of the same before any court of competent jurisdiction in the State. The name and residence of any child found working without the certificate provided for in section 1 of this chapter shall be reported by the chief inspector to the school committee in the city or town where such child resides. Said inspectors shall devote their whole time and attention to the duties of their respective offices, under the direction of the chief factory inspector, and in his absence or inability to serve under the direction of the deputy chief factory inspector.

The annual salary of the chief factory inspector shall be three thousand dollars; of the deputy chief factory inspector twenty-five hundred dollars; and of each of the three assistant factory inspectors two thousand dollars.

SEC. 5. *Guards required for hoistways, etc.*—It shall be the duty of the owner, agent or lessee of any such factory, manufacturing or mercantile establishment where hoisting shafts or wellholes are used, to cause the same to be properly and substantially inclosed or secured if, in the opinion of the inspectors, it is necessary to protect the life or limbs of those employed in such establishments. The owner, agent or lessee of any factory, manufacturing, or mercantile establishment shall inclose or cause to be inclosed all freight elevator shafts on all sides thereof, and shall provide or cause to be provided an entrance or entrances thereto by means of an automatic or semiautomatic sliding gate or gates, not less than six feet in height, except on the top floor where the gates shall be not less than four feet in height. Said gate or gates shall be so constructed as to close by the action of the elevator on leaving each floor, unless such elevator is equipped with a suitable device to prevent the movement of the car until the elevator shaft, gates or doors are closed, as provided for passenger elevators in section 16 of chapter 129 of the General Laws.

SEC. 6 (as amended 1923, ch. 2367). *Dangerous occupations.*—[This section forbids the employment of minors under 16 in designated dangerous occu-

pations, or any other work or process declared by the State board of health to be injurious or dangerous for children under 16. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 7. *Accidents.*—It shall be the duty of the owners or superintendent to report in writing to the factory inspectors all fatal accidents within forty-eight hours after their occurrence; and all accidents which prevent the injured person or persons from returning to work within two weeks after the injury shall, within one week after the expiration of such two weeks, be reported in writing by the person in charge of such establishment or place to the said inspectors, stating as fully as possible the cause of such accidents.

SEC. 8. *Water-closets; suction shuttles, etc.*—[This section requires the owner of a building in which is located any factory or manufacturing or mercantile establishment to provide each establishment employing 25 persons or less with a properly constructed water closet, the sexes to have separate accommodations. A ratio of one to every 40 employees or fraction thereof exceeding one-half is fixed.

If inspectors find it necessary, separate dressing rooms must be furnished for women and girls. Establishments employing women and girls must furnish seats and permit their use when standing is not required for the performance of the work.

The use of suction shuttles is prohibited.]

SEC. 9. *Defective conditions.*—If the factory inspectors, or either one of them, find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of the persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient, or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery in shops and factories are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, either or both shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within ninety days; and if such alterations or additions are not made within ninety days from the day of such notice, or within such time as such alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this chapter, subject, however, to the right of appeal as hereinafter provided.

SEC. 10. *Appeal from inspectors' orders.*—Any person who is aggrieved by any order of said inspectors may appeal therefrom to the district court of the judicial district in which the building which is the subject of the order is situated, by filing his reasons of appeal within seven days after the date of the order appealed from, and by giving notice thereof to the inspector who made the order within forty-eight hours after filing said reasons of appeal; and said court shall proceed to hear the said appeal at its first session after such notice shall have been given, and shall approve, modify or revoke said order as it may deem right, subject, however, to the right of a jury trial after decision * * * And any such decision of said court from which a jury trial is not claimed shall be final and conclusive.

SEC. 11. *Power of inspectors.*—The State shall provide a suitable office for the use of said factory inspectors; and said factory inspectors shall have the power to administer oaths or affirmations in cases where persons desire to verify documents connected with the proper enforcement of this chapter.

SEC. 12. *Violations.*—[Violation, except failing to produce certificate (sec. 1), entails a fine, not to exceed $500.]

SEC. 13. *Copy of act to be posted.*—A printed copy of this chapter shall be posted by the inspectors in each workroom of every factory, manufacturing or mercantile establishment where persons are employed who are affected by the provisions of this chapter.

SEC. 14. *Surety for costs.*—The inspectors created by section three of this chapter shall not be required to give surety nor personal recognizance for costs.

SEC. 15. *Enforcement of law as to hours of labor.*—The factory inspectors shall, in addition to their duties otherwise provided, enforce the provisions of section twenty-two, chapter two hundred forty-nine and may prosecute all violations of the same before any court of competent jurisdiction in the State.

SEC. 16. *Employers to furnish drinking water.*—Every corporation, association, firm or person owning, controlling, or superintending any manufacturing or business establishment in this State shall provide fresh drinking water, of good quality, to which their employees shall have access during working hours. No such corporation, association, firm, or person shall allow the use of a common drinking cup or a common towel in such establishment.

SEC. 17. *Violations.*—[Violation of the preceding section is punishable by a fine, $20 to $50.]

SEC. 32. *Messenger service.*—No person under the age of twenty-one years shall be employed or permitted or suffered to work as a messenger for a telegraph, telephone, or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

SEC. 33. *Violations.*—[Violation of the above section is punishable by a fine, $20 to $50 for a first offense, and for a second offense a fine of $50 to $100 or imprisonment ten days to six months, or both.]

CHAPTER 87.—*Bureau of industrial statistics*

SECTION 1. *Commissioner.*—There shall be a commissioner of industrial statistics who shall perform the duties enumerated in this chapter and such others as are or may be from time to time provided by law. At the January session of the general assembly in the year A. D. nineteen hundred and twenty-three, and in every second year thereafter, the governor, with the advice and consent of the senate, shall appoint some person to be commissioner of industrial statistics to succeed the person then holding such office; and the person so appointed shall hold his office until the first day of February in the second year after his appointment. Any vacancy which may occur in said office when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. The commissioner of industrial statistics shall be ex officio superintendent of the census of the State * * * and in addition thereto he shall collect, arrange, tabulate, and publish, in a report by him to be made to the general assembly in January, the facts and statistical details in relation to the condition of labor and business in all mechanical, manufacturing, commercial, and other industrial business of the State, and especially in relation to the social, educational, and sanitary condition of the laboring classes, with such suggestions as he may deem to be proper for the improvement of their condition and the bettering of their advantages for intellectual and moral instruction, together with such other information as he may deem to be useful to the general assembly in the proper performance of its legislative duties in reference to the subjects in regard to which he is required to report.

SEC. 2. *Reports of employers.*—Every employer of labor, and every person engaged in any industrial pursuit, shall give the commissioner of industrial statistics all proper and necessary information to enable him to perform the duties herein required of him, and in default thereof, upon reasonable demand, shall be fined twenty dollars.

SEC. 3. *Assistants, etc.*—Said commissioner shall employ such assistants and incur such expenses incident to the proper discharge of the duties of his office as may be necessary not exceeding five thousand dollars in amount in any one year; but no such assistant shall be paid more than four dollars per day in addition to the necessary traveling expenses, and the salary provided for said commissioner shall be in addition to the compensation fixed by the general assembly for said commissioner for taking the census.

SEC. 5. *Deputy commissioner.*—There shall be a deputy commissioner of labor, who shall receive an annual salary of twenty-three hundred dollars, and the sum of twenty-three hundred dollars is hereby annually appropriated for the purpose of paying such salary. In the month of January, A. D. nineteen hundred and twenty-five, and in the month of January of every third year thereafter, the governor by and with the advice and consent of the senate shall appoint a deputy commissioner, who shall be a representative of labor, to succeed the deputy commissioner whose term expires. Any vacancy which may occur in said office of deputy commissioner shall be filled by the governor by and with the advice and consent of the senate, if the senate be in session, and if the senate should not then be in session shall be filled by the governor until the next session of the general assembly, when with the advice and consent of the senate he shall appoint a proper person to fill such vacancy. Said

deputy commissioner shall act as agent to the labor commissioner in the conduct of investigations of labor conditions, ordered by the labor commissioner and shall perform such other duties as said labor commissioner may direct. He shall act as secretary to the State board of labor as provided in the following section. He shall under the direction of the said State board of labor aid and assist any board of mediation and conciliation appointed by said State board of labor under the provisions of section seven of this chapter.

Sec. 6. *Board of labor.*—There shall be a State board of labor consisting of the labor commissioner, who shall be chairman of the board, and four other members, two of whom shall be representatives of employers of labor in the State and two of whom shall be representatives of labor in the State, to be appointed as hereinafter provided. In the month of January, A. D. nineteen hundred twenty-five, and in the month of January in every third year thereafter the governor by and with the advice and consent of the senate shall so appoint two members of said board to succeed the members whose term will next expire, and the persons so appointed shall hold office until the first day of February in the sixth year after their appointment. Any vacancy, which may occur in said board when the senate is not in session shall be filled by appointment by the governor until the next session thereof, when the governor by and with the advice and consent of the senate shall appoint some citizen to fill such vacancy for the unexpired term. The board shall meet at least once a month and at such other times as the commissioner of labor may direct.

Sec. 7. *Monthly conferences; labor disputes.*—The commissioner of labor shall report to the board of labor at each of its monthly meetings such matters relating to the interests of labor as may have come to his attention in the discharge of the duties of his office, and it shall be the duty of the board to advise and confer with the commissioner in relation to the administration of the laws of the State relating to labor. The board shall report to the general assembly at its January session and present in such report any recommendations it may deem advisable in regard to the administration of such laws, and suggest any changes or amendments to such laws as it may deem desirable. It shall be the duty of the board to do all in its power to promote the voluntary mediation and conciliation of controversies and disputes between employers and employees, and to avoid resort to strikes, lockouts, boycotts, blacklists, discriminations, and legal proceedings in or arising out of such controversies and disputes and matters of employment. In pursuance of this duty, said board may, whenever it deems advisable, but subject to the approval of the governor, appoint a board of mediation and conciliation for the consideration and settlement of such controversies and disputes. The said board shall prescribe rules of procedure for such mediation and conciliation, and the said mediation and conciliation boards shall have the power to conduct investigations, to hold hearings, and to summon witnesses.

Chapter 88.—*Free public employment offices*

Section 1. *Offices to be established.*—There shall be established and maintained, under the care and direction of the commissioner of industrial statistics, in such towns or cities as may be selected after proper investigation by said commissioner, free employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

Sec. 2. *Equipment and officers.*—The said commissioner is hereby authorized and directed to organize in each city or town so selected, a free public employment office which shall be provided with suitable rooms, furniture, and equipment required for the transaction of the business provided for in this chapter, and shall appoint such clerical assistants as may be necessary for each of said offices, to discharge, under the direction of said commissioner, the duties hereinafter set forth, or which may be required by said commissioner in carrying out the purpose of this chapter.

Sec. 3. *Registers.*—It shall be the duty of said commissioner to receive and record, in books suitably arranged, all applications from those seeking employment and also from those seeking to employ, and to take such other action as may be deemed best to carry out the purposes of said offices. Such records shall show plainly in brief the qualifications of all applicants, and such other facts as may be deemed necessary by said commissioner, who shall furnish to each office all such record books, forms, blanks, or other stationery and postage as may be required in conducting the office. Each office shall be plainly indicated by a proper sign or signs.

SEC. 4. *Who may register.*—The privilege of registration shall be confined to residents of this State, and no fees, direct or indirect, shall in any case be taken from anyone applying at any office maintained under the provisions of this chapter.

SEC. 5. *Fees forbidden.*—Any clerk or employee who directly or indirectly charges or receives any fee in the performance of his duties shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one hundred dollars, or be imprisoned not exceeding thirty days. Such fine or imprisonment shall disqualify him from ever having further connection with said offices.

SEC. 6. *Reports.*—There shall be made from each office to said commissioner a weekly report of such applications for labor or employment as may be registered in said office, with such details as may be required by the commissioner. Said commissioner may cause such reports to be printed at proper intervals, the same to be exchanged between said offices, and may supply to the newspapers and to the citizens, upon request, such reports, which shall be posted in a conspicuous place in the several offices, so that they may be open to public inspection.

SEC. 7. *Applications void, when.*—Every application for employment or help made to a free public employment office shall become void after thirty days from its receipt unless renewed by the applicant.

SEC. 8. *Definitions.*—The term "applicant for employment," as used in this chapter, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this chapter shall be construed to limit the term "work" to manual occupation, but shall include professional service, and all other legitimate service.

SEC. 9. *Report of employment.*—If any applicant for help has secured the same, he shall, within ten days thereafter, notify the employment office to which application therefor was made, and such notice shall contain the name and last preceding address of the employees received through such office. If any such applicant neglects to notify such office, he shall be barred from all future rights and privileges of such employment office, in the discretion of said commissioner, to whom a report of such neglect shall have been made.

CHAPTER 89.—*Inspection and regulation of factories, etc.—Foundries*

SECTION 1. *Wash rooms to be provided.*—Every foundry in this State employing ten or more men shall provide suitable toilet rooms, containing washbowls or sinks, provided with water, water-closets, and a room wherein the men may change their clothes, said rooms to be within the building used for said foundry, and shall be protected from the weather, heated and ventilated.

SEC. 2. *Violation.*—[Violation entails a fine, $50 to $100, one-half to the informant, one-half to the State.]

CHAPTER 91.—*Employment of women and children—Hours of labor*

SECTION 22. *Hours per week and day.*—No minor under sixteen years of age, and no woman, shall be employed or permitted or suffered to work in any factory, manufacturing, mechanical, business or mercantile establishment within this State, more than fifty-hour hours in any one week, and in no case shall the hours of labor exceed ten hours in any period of twenty-four consecutive hours. Every employer shall post in a conspicuous place, in every room where such persons are employed, a printed or typewritten notice stating the number of hours' work required of such persons on each day of the week, and the hours of commencing and stopping work and the employment of any such person for a longer time in a period of twenty-four consecutive hours than so stated, shall be deemed a violation of this section: *Provided*, That the provisions of this section shall not be construed to enlarge or impair any restriction placed upon the employment of any minor mentioned in chapter 72.

SEC. 23. *Violation.*—[Parents or employers violating the above are punished by fines not exceeding $20. Employment certificates are prima facie evidence of age where employers are involved.]

SEC. 24. *Ten hours a day's labor.*—Labor performed in any manufacturing establishment, and all mechanical labor, during the period of ten hours in any one day, shall be considered a legal day's work, unless otherwise agreed by

the parties to the contract for the same, or unless for the purposes, and subject to all restrictions, mentioned in section twenty-two of this chapter.

Sec. 25. *Notice of discharge.*—Every person who requires from any person in his employ, under penalty of a forfeiture of a part of the wages earned by him a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he discharges without similar notice such person in his employ, except for incapacity or misconduct, unless in case of a general or partial suspension of labor in his business.

Chapter 92.—*Liability of employers for injuries to employees*

Section 1. *Defenses abrogated.*—In an action to recover damages for personal injury sustained by accident by an employee arising out of and in the course of his employment, or for death resulting from personal injury so sustained, it shall not be a defense: (a) That the employee was negligent; (b) That the injury was caused by the negligence of a fellow employee; (c) That the employee has assumed the risk of the injury.

Sec. 2. *Exceptions.*—The provisions of this chapter shall not apply to actions to recover damages for personal injuries, or for death resulting from personal injuries, sustained by employees engaged in domestic service or agriculture.

Sec. 3. *Number of employees.*—The provisions of this chapter shall not apply to employers who employ five or less workmen or operatives regularly in the same business, but such employers may, by complying with the provisions of section five of this article become subject to the provisions of this chapter.

[These are the first three sections of the workmen's compensation act of the State. It is further provided that section one does not apply to suits brought by employees of cities and towns.]

Chapter 93.—*Protection of employees on buildings*

Section 1. *Counter floors.*—If in the erection of an iron or steel framed building the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors, by the contractor or the owner of such building, before another story is added to the building, a close board flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied.

Sec. 2. *Underfloors.*—Where in the case of the construction of a building of three or more stories in height, other than an iron or steel framed building, the floors are required to be double floors, the contractor of the carpenter work or the owner of such building shall lay or cause to be laid the underfloor of each story as the building progresses, and if the floors are required to be only single floors, then the contractor or owner shall lay or cause to be laid a safe, permanent or temporary close board floor as the work progresses, so that no construction work shall be done in any case on such building more than two stories above such completed underfloor, or such permanent or temporary board floor.

Sec. 3. *Openings.*—Such spaces and openings may be left through the floors, in the construction of the buildings referred to in sections one and two, as may be reasonably required for the proper construction of such building, and for the raising and lowering of materials to be used in the construction of such building, or such spaces and openings as may be designated by the plans or specifications for stairways and elevator shafts, but all such spaces and openings shall be inclosed by the contractor or the owner of such building by a double rail barrier not less than four feet from the floor, and not less than two feet from the edge of such space or opening.

Sec. 4. *Violations.*—Every person who violates any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five or more than two hundred dollars.

Sec. 5. *Enforcement.*—It shall be the duty of the inspector of buildings or other officer in any city or town charged with the enforcement of the building laws of such city or town to enforce the provisions of this act.

Chapter 94.—*Inspection of steam boilers*

Section 1. *Definitions.*—[The act includes any boiler generating steam for power; "owner" includes person in charge.]

SEC. 2. *Inspector.*—[The governor appoints as inspector a person experienced in the manufacture or operation of steam engines, boilers or machinery; he also appoints a deputy.]

SECS. 3, 4. *Inspections.*—[Inspections annually, and oftener if found necessary, are to be made by such tests as are deemed best. Operation of unsafe boilers must be suspended if danger is imminent, until repairs are completed, and a certificate of good condition procured.]

SEC. 5. *Code.*—[A code may be formulated, based on the code of the American Society of Mechanical Engineers.]

SEC. 6. *Safety devices.*—[New boilers must conform to the code, and old boilers requiring repairs of fifty per cent of their value may be required to conform.]

SEC. 7. *Certificate.*—[When boilers are found safe for operation, a certificate is issued, which must be conspicuously posted in the boiler room, and is valid for one year.]

SEC. 8. *Fee.*—[The fee for inspection is $5, but cities, towns and fire districts pay no fees.]

SEC. 9. *Arbitration.*—[Dissatisfied owners may secure arbitration, the owner appointing an arbitrator, the inspector one, and these two a third, who hear the parties and render their award. A fee of $10 is allowed, payable one-half by the owner and one-half by the State.]

SECS. 10, 11. *Violations; enforcement.*—[Owners violating the law are subject to a fine of not more than $500 or imprisonment not more than three months, or both. The superior court has jurisdiction to enforce compliance.]

SEC. 12. *Exceptions.*—[Self-propelled boilers, those subject to United States inspection, those carrying less than 15 pounds pressure, and certain other kinds, are exempt.]

CHAPTER 142.—*Employment of children in certain occupations forbidden*

SECTION 4. *Mendicant, etc., occupations.*—[This section forbids the employment of children under 16 in mendicant, acrobatic, etc., occupations, in street peddling, rag picking, gathering bones, cigar stumps, etc., or for illegal or immoral purposes, or in vocations that are dangerous or injurious to health or morals.]

CHAPTER 143.—*Employment of children in street trades*

SECTION 1. *Age.*—[No boy under 12 and no girl under 16 may sell papers, etc., or act as scavenger or bootblack in any city of over 70,000 inhabitants.]

SEC. 2. *Permits.*—[Boys under 16 must secure a permit and badge before engaging in street trades.]

SECS. 3, 4. *Applications, etc.*—[Application must be made by a parent or other custodian of a child, showing school attendance and physical fitness. Permits and badges are valid only for one year. Badges issue at cost.]

SEC. 5. *Night work.*—[Employment is forbidden between 9 p. m. and 5 a. m.; also during school hours, unless an employment certificate has been obtained.]

SEC. 6. *Transfer.*—[Permits and badges may not be loaned, given or otherwise transferred to any other person.]

CHAPTER 153.—*Reports of occupational diseases*

SECTION 23. *Physicians to make reports.*—Every physician in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within forty-eight hours of such attendance send to the State board of health a report stating:

(a) Name, address and occupation of patient.

(b) Name, address and business of employer.

(c) Nature of disease.

(d) Such other information as may be reasonably required by the State board of health.

The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within

the time required, in a stamped envelope addressed to the office of the State board of health, shall be a compliance with this section.

SEC. 24. *Blanks.*—The State board of health shall prepare and furnish, free of cost to the physicians included in section twenty-three, standard schedule blanks for the reports required under said section. The form and contents of such blanks shall be determined by the State board of health.

SEC. 25. *Reports.*—Reports made under sections twenty-three and twenty-four of this chapter shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 26. *Reports to factory inspector.*—It shall furthermore be the duty of the State board of health to transmit a copy of all such reports of occupational disease to the chief factory inspector.

CHAPTER 171.—*Inspection and regulation of factories, etc.*

SECTION 1. *Fire escapes to be provided.*—Every building three or more stories in height, now or hereafter used wholly or in part as a * * * factory or workshop in which employees are usually working in the third or any higher story thereof, and every building used for office purposes three or more stories in height, shall be provided by the owner or owners thereof either with proper and sufficient, strong and durable metallic fire escapes upon the external walls, sufficient in number, which fire escapes shall extend from the highest occupied story to the top of the first story of said building, or with proper and sufficient incombustible stairs and stairways at opposite ends of the building, extending from the highest occupied story to the ground; said stairs and stairways shall be connected by open passageways of suitable width, said fire escapes, stairs, and stairway to be suitable and sufficient to afford to persons within said building proper egress from said building in case of fire therein, and to be kept in repair by said owner or owners.

SECS. 2–6. *Inspectors; duties and powers.*—[Inspectors of buildings in the cities and towns of the State are to make careful inspections as to buildings, the number of stairways and employees, nature of industries, etc. Where reasons exist, buildings may be exempted; certificates of inspection are granted where the law is found to be complied with.]

SEC. 7. *Owners.*—[Owners may enter leased buildings to make provisions conformable to this chapter.]

SEC. 8. *Damages.*—[Owners are liable in actions for damages in case of injury or death due to failure to make the provisions required; knowledge by injured person of such defects is no defense.]

SEC. 9. *Violations.*—[Failure to comply with the above provisions entails a fine of from $100 to $500.]

SEC. 15. *Automatic signals for elevators.*—Every elevator used for conveying persons or goods from one story to another of any building, the well of which elevator is not so protected as to be inaccessible from without while the elevator is moving, shall have attached to it some suitable appliance which shall give automatically, at all times, on every floor of said building which it approaches, a distinct, audible warning signal that said elevator is in motion.

SEC. 16. *Hoistways; elevators.*—[Hoistways and elevator openings through floors where there is no shaft must be guarded, and kept closed in the night time and when not in use. Safety provisions are prescribed for passenger elevators; operators may not be less than 18 years of age. Inspections must be made by factory inspectors in all buildings under their jurisdiction, and owners must make needed changes to conform with the law.]

CHAPTER 173.—*Inspection and regulation of factories, etc.—Exits*

SECTION 7. *Exits required.*— * * * All buildings used as factories, laundries, or workshops, in whole or in part, in which buildings severally twenty-five or more persons are employed, shall have the doors or windows of or to any exit or fire escape so arranged as to swing outward. All factories, laundries, workshops, or rooms in any building where the entrance thereto is from a corridor or hallway, and in which factories, laundries, workshops, or rooms, severally twenty-five or more persons are employed, shall have the doors of entrance thereto so arranged as to swing outward. If any such door or window of such factory, laundry, workshop or room shall be locked or fastened during working hours the lock or fastening shall be such, and kept in such con-

dition, that the same can be easily and quickly unlocked or unfastened by any person from the inside.

SEC. 8. *Who to make changes.*—It shall be the duty of the owner or owners of every such building, or, in case the lessee or lessees thereof shall be required under the terms of his or their lease, the duty of such lessee or lessees, to comply with the structural and fixture requirements specified in this chapter * * *.

SECS. 9–11. *Enforcement; violations.*—[Enforcement rests with the local authorities, or if none, with the factory inspectors. Violations are subject to a fine not exceeding $100 for each offense, each day constituting a separate offense.]

CHAPTER 248.—*Payment of wages*

SECTION 25. *Weekly pay day.*—Every corporation other than religious, literary or charitable corporations, and every incorporated city, but not including towns, shall pay weekly to the employees engaged in its business the wages earned by them to within nine days of the date of such payment, unless prevented by inevitable casualty: *Provided, however,* That if at any time of payment any employee shall be absent from his place of labor, he shall be entitled to said payment at any time thereafter on demand.

SEC. 26. *Violations.*—[Penalty for violations is fine, $100 to $1,000, one-half thereof to complainant and one-half to State, provided complaint is made within 30 days.]

This law is constitutional and is to be construed as amending charters previously granted to manufacturing corporations. 18 R. I. 16.

CHAPTER 251.—*Railroads—Bridges over tracks—Safety appliances*

SECTION 28. *Height of bridges over railroads.*—No bridge shall hereafter be built over any railroad track, unless it shall measure at least eighteen feet in the clear, measuring from the bottom of the lowest timber to the top of the rail on said track, excepting bridges erected in renewal or in place of bridges now existing.

SEC. 54. *Blocking frogs, etc.*—Every railroad corporation, operating a railroad or part of a railroad in this State, shall adjust, fill or block the frogs, switches and guardrails on its track, with the exception of guardrails on bridges, so as to prevent the feet of its employees from being caught therein. The work shall be done to the satisfaction of the railroad commissioner, evidenced by his certificate. Any railroad corporation failing to comply with the provisions of this section shall be fined not less than one hundred dollars nor more than one thousand dollars.

CHAPTER 252.—*Hours of labor of employees on street railways*

SECTION 1. *Limit of ten hours.*—A day's work for all conductors, gripmen, and motormen now employed or who may hereafter be employed in the operation of all street railways, of whatever motive power, in this State shall not exceed ten hours' work, to be performed within twelve consecutive hours. No officer or agent of any corporation operating street cars, of whatever motive power, in this State shall on any day exact from any of its said employees more than the said ten hours' work within the twenty-four hours of the natural day, and within twelve consecutive hours: *Provided, however,* That on all legal holidays, and on occasions when an unexpected contingency arises demanding more than the usual service by such street railway corporation to the public, or from such employees to the corporation, and in case of accident or unavoidable delay, extra labor may be performed for extra compensation; and that nothing herein contained shall affect existing written contracts.

SEC. 2. *Act construed.*—The true intent and purpose of this chapter is hereby declared to be to limit the usual hours of labor of the above-mentioned employees of street railway corporations, in the absence of agreement as to such hours between such employees and their employer, to ten hours' actual work a day, to be performed within a period of twelve consecutive hours, whether such employees be employed by the trip or trips, the job, the hour, the day, the week, the month, or in any other manner. But nothing in this chapter contained shall be construed to forbid or prevent any such employee, being of

the age of twenty-one years or upwards, from laboring a greater or lesser number of hours a day, in accordance with his contract so to do; nor to impose any penalty upon any person or corporation for permitting such employees to labor such greater or lesser number of hours in the performance of such contract.

SEC. 3. *Violations.*—[Penalties for violations are fines, $100 to $500, one-half to use of complainant and one-half to State.]

CHAPTER 253.—*Railroads, etc.—Accidents*

SECTION 49. *Reports.*—[This section requires every public utility to report to the public utilities commission of the State every accident attended with loss of life or with serious injury. The commission may, in its discretion, investigate the case; but the notice may not be admitted as evidence in any suit for damages.]

CHAPTER 352.—*Exemption of wages from execution*

SECTION 5. *Amount.*—[This section exempts from attachment on any writ the wages or seamen; the salary or wages due any debtor not exceeding the sum of $10, unless the debt is for necessaries, in which case the court may exercise discretion; and the wages of the wife and minor children of the debtor.]

CHAPTER 390.—*Wages as preferred claims—In insolvency*

SECTION 58. *Rank.*—[Wages earned in the six months prior to proceedings, not over $100 to each person, rank next after costs and expenses of proceedings, including attorney's fees and sums due the United States or the State or a municipality.]

CHAPTER 396.—*Intimidation of employees*

SECTION 9. *Interference with employment.*—Every person who, by himself or in concert with other persons, shall attempt by force, violence, threats or intimidation of any kind to prevent, or who shall prevent any other person from entering upon and pursuing any employment, upon such terms and conditions as he may think proper, shall be deemed guilty of a misdemeanor and be fined not exceeding one hundred dollars or be imprisoned not exceeding ninety days.

CHAPTER 397.—*Interference with employment*

SECTION 32. *Hindering railroad employees.*—Whoever willfully throws or shoots a missile at a locomotive engine, or railroad or street railway car, or at a person on such engine or car, or in any way assaults or interferes with a conductor, engineer, brakeman, driver or motorman while in discharge of his duty on or near a railroad engine, car, or train, or on or near a street railway car, shall be fined not less than five nor more than one hundred dollars, or be imprisoned in the county jail not less than three months nor more than one year.

SEC. 48. *Obstructing business, etc.*—Every person who shall willfully and maliciously or mischievously injure or destroy the property of another, or obstruct the use of the property of another, or obstruct another in the prosecution of his lawful business or pursuits, in any manner, the punishment whereof is not specially provided for by statute, shall be fined not exceeding one hundred dollars or be imprisoned not exceeding one year.

CHAPTER 401.—*Bribery, etc., of employees*

SECTION 21. *Accepting bribes.*—No agent, employee, or servant in public or private employ, or public official shall corruptly accept, or obtain or agree to accept, or attempt to obtain from any person, for himself or for any other person, any gift or valuable consideration as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the business of his principal master, employer, or State, city, or town of which he is an official, or for showing or forbearing to show favor or

disfavor to any person in relation to the business of his principal, master, employer, or State, city, or town of which he is an official.

SEC. 22. *Offering bribes.*—No person shall corruptly give or offer any gift or valuable consideration to any such agent, employee, servant, or public official as an inducement or reward for doing or forbearing to do, or for having done or forborne to do, any act in relation to the business of his principal, master, or employer, or the State, city, or town of which he is an official, or for showing or forbearing to show favor or disfavor to any person in relation to the business of his principal, master, employer, or State, city, or town of which he is an official.

SEC. 23. *False statements.*—No person shall knowingly give to any such agent, employee, servant, or public official any receipt, account, or other document in respect of which the principal, master, or employer, or State, city, or town of which he is an official is interested which contains any statement which is false or erroneous, or defective in any important particular, and which, to his knoweldge, is intended to mislead the principal, master, employer, or State, city, or town of which is an official.

SEC. 24. *Violations.*—Any person who violates any of the provisions of sections twenty-one to twenty-six of this chapter shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be imprisoned, with or without hard labor, for a term not exceeding one year, or be fined not exceeding one thousand dollars.

SEC. 25. *Damages.*—Any person injured by any violation of the provisions of sections twenty-one and twenty-two of this chapter may recover from the person or persons inflicting such injury twice the amount of such injury.

SEC. 26. *Witnesses.*—No person shall be excused from attending and testifying, or from producing papers, contracts, agreements, and documents before any court which may be determined to be evidence in such case, or in obedience to the subpœna of any court having jurisdiction of the misdemeanor, on the grounds or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience of its subpœna or in any such case or proceedings.

SOUTH CAROLINA

CONSTITUTION

ARTICLE IX.—*Liability of railroad companies for injuries to employees*

SECTION 15. *Negligence; waivers.*—Every employee of any railroad corporation shall have the same rights and remedies for any injury suffered by him from the acts or omissions of said corporations or its employees as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having a right to control or direct the services of a party injured, and also when the injury results from the negligence of a fellow servant engaged in another department of labor from that of the party injured, or a fellow servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, expressed or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any remedy or right that he now has by the law of the land. The general assembly may extend the remedies herein provided for to any other class of employees.

A contract whereby a railroad company beforehand seeks immunity from damages caused by its negligence is not prohibited by this section, but is void as contrary to public policy. 55 S. C. 152.

Under this section a servant may recover of a railroad company for injuries caused by the carelessness of a fellow servant directing him. 52 S. C. 438.

A foreman who engages in manual labor to further the work being carried on under his own direction does not thereby cease to be a superintendent for whose acts the employer is responsible. 61 S. E. 1010.

The doctrine of assumption of risks does not apply in cases where an employee is injured by the acts of an employee in another branch of work. A bridge watchman and the engineer of a train are in separate departments. 61 S. E. 1016.

CODE OF 1912

CIVIL CODE

Department of agriculture, commerce, and industries

SECTION 851. *Department created.*—A State department of agriculture, commerce, and industries is created which shall be charged, as far as possible, with the execution of the work usually devolved upon a bureau of industries, a bureau of agriculture, and a bureau of publicity.

SEC. 852 (as amended 1912, No. 346). *Commissioner.*—The chief officer of the said department of agriculture, commerce, and industries shall be denominated the commissioner of agriculture, commerce and industries. The said commissioner shall have the qualifications of a competent knowledge of agriculture, manufacturing, and general industries, commerce, chemistry, and publicity, and shall be elected, immediately upon the approval of this act, by the qualified electors in the general election now provided by law for the election of State officers of the State government, for a term of two years, and each succeeding two years thereafter beginning on the first day of January, 1913. In case a vacancy should occur the governor shall appoint for the unexpired term. The commissioner shall be empowered to appoint a competent clerk, whose qualifications shall be in the main the same as those required of the commissioner.

SEC. 853. *Salary.*—The compensation of the commissioner of agriculture, commerce, and industries shall be $1,900 per annum, and that of the clerk $1,000 per annum, payable monthly by the treasurer, on the warrant of the attorney general.

SEC. 854. *Report.*—The commissioner shall make and submit to the governor, on or before the tenth day of January of each year, a report covering the department's work of the preceding year, and the report shall be transmitted to the general assembly, printed in the same manner as other public documents, or as shall otherwise be ordered.

SEC. 855. *Duties.*—The commissioner shall be charged with all work looking to the promotion of agriculture, manufacturing and other industries, cattle raising, and all matters tending to the industrial development of the State, with the collection and publication of information in regard to localities, character, accessibility, cost, and modes of utilization of soils and more specifically to the inducement of capital by the dissemination of information relative to the advantages of soil and climate, and to the natural resources and industrial opportunities offered in this State; that he shall also collect from the farmers and landowners of the State and list information as to lands, stating the number of acres, location, the terms upon which they may be bought: that a land registry shall be kept, and in connection therewith from time to time publication shall be made descriptive of such listed agricultural, mineral, forest and trucking lands and factory sites as may be offered to the department for sale or share, which publication shall be in attractive form, setting forth the county, township, number of acres, names and addresses of owners, and such other information as may be helpful in placing inquiring home seekers in communication with landowners.

SEC. 856. *Handbook of resources, etc.*—The commissioner shall collect and collate in the form of a handbook of the State, to be issued when practicable, information showing the nature and industrial resources and advantages of the State of South Carolina, dealing with soil, climate, raw and manufactured products, agricultural and horticultural products, textile fabrics, manufacturing industries, mines and mining, native woods, means of transportation, cost of living, the market and all material and social advantages for those seeking homes and investments in agricultural or manufacturing industries.

SEC. 858. *Duties of officials.*—In order to facilitate the collection and collation of each [such] information of the resources of the State on all lines, the heads of the several departments of the State government and of the State institutions are hereby required to furnish accurately such information as may be at their command to the commissioner when called upon for the same. The commissioner is hereby empowered to enter manufacturing establishments, chartered by the State, in prosecution of this work, and that the corporations operating same shall furnish such information as may be not injurious to their business.

SEC. 860. *Not to bring in immigrants.*—The commissioner of agriculture, commerce, and industries shall not directly or indirectly attempt to bring immigrants into the State.

SEC. 861. *Duties.*—He shall collect, assort, systematize and present in a report to the governor, on or before the 5th day of January of each year, who shall transmit it to the general assembly, statistical details relating to all departments of labor in this State, such as the hours of labor, cost of living, supply of labor required, estimated number of persons depending on daily labor for their support. Said statistics may be classified as follows:

1. Agriculture.
2. In manufacturing and mechanical industries.
3. In transportation.

[4.] In clerical and all other skilled and unskilled labor not above enumerated.

5. The amount of capital invested in lands, buildings, machinery, material, and means of production and distribution generally.

6. The number, age, sex and condition of persons employed: the nature of their employment: the number of hours of labor per day, and the wages received in each of the industries and employments enumerated.

7. The sanitary conditions of factories, foundries, machine shops, mercantile establishments, where five or more people are employed as laborers.

8. The number, condition and nature of employment of the inmates of the State prison, county jails and reformatory institutions, and to what ex-

tent their employment comes in competition with the labor of artisans and laborers outside of these institutions.

9. All such other information in relation to labor as may seem advisable to further the object sought to be obtained by this article.

Sec. 862. *Schedule of inquiry.*—The commissioner shall annually, on or before the first day of November, transmit by mail to the owner, operator or manager of every manufacturing establishment in this State a schedule embodying inquiries as to—

1. Name of person, partnership or corporation.
2. Kinds of goods manufactured or business done.
3. Number of partners or stockholders.
4. Capital invested.
5. Average number of persons employed, distinguishing as to sex, adults, and children under sixteen years of age.
6. Total wages, not including salaries of managers, paid during the year, distinguishing as to sex, adults, and children under sixteen years of age.

Sec. 863. *Answer to inquiries.*—The owner, operator or manager of every establishment which is engaged in manufacturing shall answer the inquiries thereon for the twelve months, November 1st to October 31st preceding, and return said schedule to the commissioner on or before the fifth day of December following receipt of said schedule.

Sec. 864. *Information to be furnished.*—It shall be the duty of all State and county officials, every employer of labor, and every person engaged in any industrial pursuit, to give to the commissioner, or his agents, all necessary information to enable him to perform the duties herein required of him.

Sec. 865. *Powers.*—The commissioner shall have power to send for persons or papers whenever in his opinion it is necessary, and he may examine witnesses under oath, being duly qualified to administer the same in the performance of his duty, and the testimony so taken must be filed and preserved in the office of the commissioner; he and his agents and inspectors shall have free access to all places where five or more people are employed as laborers.

Sec. 866. *Names not to be disclosed.*—No use shall be made in the reports of the commissioner of the names of individuals, firms or corporations supplying the information called for by this article, such information being deemed confidential and not for the purpose of disclosing any person's affairs.

Sec. 867. *Inspectors.*—Said commissioner may employ two inspectors, who shall be appointed by the commissioner at a salary of ten hundred dollars each per annum and necessary traveling expenses, not to exceed two hundred dollars each in any one year, to assist him in the discharge of the duties imposed by this article from and including section 861 to the end of this article. The inspectors shall be under the supervision and control of the commissioner.

Sec. 868. *Access to buildings.*—The commissioner, his agents and inspectors, may enter all buildings and parts thereof which are subject to the provisions of this article and examine the methods of protection from accidents, the means of escape from fire, the sanitary provisions and the means of ventilation, and may make investigations as to the employment of children and women.

Sec. 869. *Toilets, etc.*—[Where two or more males and two or more females are employed, sufficient, separate, and properly kept water-closets, etc., must be provided, plainly designated.]

Sec. 872. *Inspections.*—The inspectors appointed under this article are empowered to visit and inspect, at reasonable hours, and as often as practicable, the factories, workshops and other establishments in this State referred to in this article, and shall report to the commissioner the result of their inspections. They shall enforce the provisions of this article and prosecute all violations of the same.

Sec. 873. *Blanks.*—All blanks and forms required by the commissioner under this article shall be furnished by the comptroller general.

Sec. 874. *Expenses.*—Inspectors provided for in this article shall keep and furnish to the comptroller general and commissioner itemized statements of necessary expenses incurred in enforcing this article. And all the money paid out under this article shall be on a warrant of the comptroller general.

Relief societies—Railroads—Payment of benefits

SECTION 2577. *Settlement required.*—When any railroad company has what is usually called a relief department for its employees, the members of which are required or permitted to pay some dues, fees, moneys or compensation to be entitled to the benefits thereof, upon the death or injury of the employee, a member of such relief department, such railroad company be, and is hereby, required to pay to the person entitled to same, the amount it was agreed the employee or his heirs at law should receive from such relief department; the acceptance of which amount shall not operate to estop or in any way bar the right of such employee, or his personal representative, from recovering damages of such railroad company for injury or death caused by the negligence of such company, its agents or servants, as now provided by law; and any contract, or agreement to the contrary, shall be ineffective for that purpose.

Payment of wages earned within the State

SECTION 2807. *Debts payable within State.*—All debts due and to become due by all corporations doing business in this State, to employees who reside in this State for labor or services rendered to such corporations within the limits of this State, shall be deemed or held to be due and payable within this State.

Relief departments—Payment of benefits no bar to suits

SECTION 2808. *Settlement required.*—When any corporation, firm, or individual runs or operates what is usually called a relief department for its employees, the members of which are required or permitted to pay dues, fees, money or other compensation, by whatever name called, to be entitled to the benefit thereof, upon the death or injury of the employee, a member of such relief department, such corporation, firm or individual, so running or operating the same is required to pay to the person entitled to the same the amount it was agreed the employee, his heirs or other beneficiary under such contract should receive from such relief department; the acceptance of which amount shall not operate to estop, or in any way bar the right of such employee or his personal representative from recovering damages of such corporation, firm or individual for personal injury or death caused by the negligence of such corporation, firm or individual, their servants or agents, as are now provided by law; and any contract or agreement to the contrary, or any receipt or release given in consideration of the payment of such sum, is and shall be null and void.

This statute is constitutional. 73 S. E. 71.
Relief benefits can not be collected after the collection of a judgment and a receipt releasing from further liability. 60 S. E. 939.

Accident insurance—Corporations

SECTION 2860. *Mutual companies.*—Each and every manufacturing corporation of this State, whether incorporated under the provisions of any special or general act of the general assembly of this State, shall, in addition to all the rights, powers and franchises which they and each of them now severally possess, have full power and authority to become a member of or effect insurance of their several property, in whole or in part, in any mutual protective association or associations, or mutual insurance company or companies of any kind, and to severally subscribe and subject themselves to all the provisions of the several constitutions or by-laws of such associations or companies.

Railroads—Safety appliances, etc.

SECTION 3144. *Power of railroad commission.*—The railroad commission shall have authority to require the installation and use by the railroads operating trains in or through this State of any safety device, when in their judgment, after due consideration and trial, [it] shall have been proved to materially contribute to the safety of the operation of trains and for the protection of the lives and limbs of the crews operating such trains or the traveling public, or for their reasonable comfort, or for the sanitation of passenger and freight

trains on which passengers travel or employees work, as well as all depots, both passenger and freight.

SEC. 3145. *Failure to comply.*—A failure to comply with such orders of said railroad commission within time fixed by said commission, shall subject said railroad to a penalty of five hundred dollars, to be collected by suit in any court of competent jurisdiction by any person or order aggrieved. * * *

SEC. 3149. *Investigation of accidents.*—The railroad commissioners shall investigate the causes of any accident on a railroad resulting in loss of life, and of any accident not so resulting, which, in their judgment, shall require investigation.

SEC. 3206. *Right of action.*—If any railroad company doing business in this State shall, in violation of any rule or regulation provided by the commissioners aforesaid, inflict wrong or injury on any person, such person shall have a right of action and recovery for such wrong or injury in the county where the same is done in any court having jurisdiction thereof, and the damages to be recovered shall be the same as in actions between individuals, except that in cases of willful violation of law such railroad companies shall be liable to exemplary damages: *Provided*, That all suits under this chapter shall be brought within twelve months of the commission of the alleged wrong or injury.

Railroads—Accidents

SECTION 3228. *Reports.*—[Railroad corporations must report to the railroad commissioners all accidents attended with injury to any person, and furnish them immediate transportation to the place of accident; also in such cases as the commissioners may by rules require, notice must be given to the most accessible physician.]

Employment of labor

SECTION 3809. *Contracts to be witnessed, etc.*—All contracts made between owners of land, their agents, administrators, or executors, and laborers, shall be witnessed by one or more disinterested persons, and, at the request of either party, be duly executed before a magistrate whose duty it shall be to read and explain the same to the parties. Such contracts shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion of the crop or crops.

This does not prevent a common-law contract. 18 S. C. 512.

SEC. 3810. *Division of crops.*—[Whenever labor is performed under contract on shares of crop or crops, such crop or crops shall be gathered and divided off before removal from the place where planted, harvested, or gathered. Such division may be made by a disinterested person selected by the parties; or if they fail to agree, or are dissatisfied with the divisions, by the nearest magistrate. A reasonable allowance must be made for such services. Debts owed by either party to the other may be paid off in the settlement as agreed or awarded.]

SEC. 3811. *Payment in money.*—Unless otherwise provided by special contract, all persons who employ laborers upon plantations or elsewhere, by the day, week, month or year shall pay such laborers or employees in lawful money.

SEC. 3812 (as amended 1919, No. 20). *Wages to be paid.*—When any corporation carrying on any business in this State in which laborers are employed, whose wages, under the business rule or customs of such corporation, are paid monthly or weekly on a fixed day beyond the end of the month or week in which the labor is performed, shall discharge any such laborer, the wages which have been earned by such discharged laborer shall become immediately due and payable. And if not so paid within twenty-four hours after written demand therefor, then such laborer shall recover in addition thereto a penalty of as much per day for the time said wages shall remain unpaid, not exceeding thirty days, as he was receiving at the time of his discharge.

SEC. 3813 (as amended 1915, No. 44). *Scrip, etc., to be negotiable.*—It shall not be lawful for any corporation, person or firm in this State engaged in the manufacture of cotton goods, to issue or pay out, or circulate for payment of wages of laborers any order, check, memorandum, token or evidence of indebt-

edness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its par value, without discount in cash or in goods, wares or merchandise, or supplies at the option of the holder at the store or other place of business of such firm, person or corporation, or at the store of another person on whom such paper may be drawn where goods, wares, or merchandise are kept for sale or sold or exchanged, and the person who, or the corporation, firm or company, which may issue any such order, check, memorandum, token or other evidence of indebtedness, shall, upon presentation and demand, at the expiration of one week from date of delivery thereof, redeem the same in goods, wares, merchandise or supplies at the current cash market price of like goods, wares, merchandise or supplies, or in lawful money of the United States as may be demanded by the holder of any such order, memorandum, token or other evidence of indebtedness: *Provided*, That if said corporation, person or firm engaged as specified in this section, have a regular pay day once in every week, then said corporation, person or firm shall not be required to redeem such token or evidence of indebtedness in cash until the first pay day after the same becomes payable as herein provided, and such token or evidence of indebtedness shall be presented for payment in cash only on such pay days: *Provided*, That the provisions of this section shall not apply to agricultural contracts or advances made for agricultural purposes.

Sec. 3814. *Failure to redeem orders, etc.*—Any officer or agent of any corporation or any person, firm, or company engaged in the business of manufacturing or mining in this State, who by themselves or agent shall issue or circulate in payment for wages of labor any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States without being negotiable and payable at the option of the holder in goods, wares, merchandise, supplies or lawful money of the United States, as required by section 3813 or shall fail to redeem the same when presented for payment within thirty days from the date of delivery thereof, by the said company or its agent, at his or their office or place of business, in lawful money of the United States, or who shall compel or attempt to coerce any employee of any such corporation, shall forfeit to the employee or legal owner and holder of such order, check, memorandum, token or evidence of indebtedness fifty dollars to be recovered in any court of competent jurisdiction: *Provided*, That in establishments for manufacturing lumber or brick such checks shall not be redeemable in cash except on regular pay days.

Street railways—Liability for injuries—Vestibules

Section 3948. *What remedies apply.*—Every employee of any street railway doing business in this State shall have the same rights and remedies for an injury suffered by any person from the acts of omission of said corporation, or its employees as are provided by the constitution for employees of railroad corporations.

Sec. 3949 (as amended 1914, No. 253). *Vestibules.*—[Electric railway companies must provide inclosed vestibules for the protection of motormen and passengers during the months December to March, inclusive.]

Sec. 3952. *Same, interurban lines.*—[Interurban lines are subject to the above requirement beginning with the month of November of each year.]

Code of Civil Procedure

Exemption of wages from execution

Section 355. *Amount.*—[Earnings of a judgment debtor for 60 days prior to execution are exempt if it is made to appear that they are necessary for the support of a dependent family.]

Criminal Code

Bribery of employees

Section 277. *Offering bribes.*—Whoever corruptly gives, offers or promises to an agent, employee, or servant, any gift or gratuity whatever, with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee, or servant who corruptly requests or accepts

a gift or gratuity or a promise to make a gift, or to do an act beneficial to himself under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business; or an agent, employee, or servant, who, being authorized to procure materials, supplies, or other articles either by purchase or contract for his principal, employer, or master, receives directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee, or servant such commission, discount, or bonus, shall be punished by a fine of not more than five hundred dollars, or by such fine and by imprisonment for not more than one year.

Protection of employees as voters

SECTION 369. *Discharging employees, etc., on account of vote.*—Whoever shall assault or intimidate any citizen because of political opinions or the exercise of political rights and privileges guaranteed to every citizen of the United States by the Constitution and laws thereof, or by the constitution and laws of this State, or, for such reason, discharge such citizen from employment or occupation, or eject such citizen from rented house or land or other property, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined not less than fifty nor more than one thousand dollars, or be imprisoned not less than three months or [nor] more than one year, or both, at the discretion of the court.

Hours of labor in textile mills

SECTION 421 (as amended 1922, No. 567). *Hours per day and week.*—Fifty-five hours a week in cotton and woolen mills—ten hours a day or fifty-five hours a week: *Provided*, That the hours of a single day shall not exceed ten hours, except for the purpose of making up lost time as hereinafter provided, shall constitute the hours for working all operatives and employees in cotton and woolen manufacturing establishments engaged in the manufacture of yarns, cloth, hosiery and other products of merchandise, except mechanics, engineers, firemen, watchmen, teamsters, yard employees and clerical force, and for night running fifty-five hours per week. All contracts for longer hours of work other than herein provided in said manufacturing establishments shall be, and the same are hereby declared null and void; and any person that requires, permits or suffers any person to work a longer time than so stated, shall be deemed guilty of a misdemeanor in each and every instance and on conviction in a court of competent jurisdiction shall be fined a sum of money not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, or imprisonment not exceeding thirty (30) days: *Provided*, That nothing herein contained shall be construed as forbidding or preventing any such manufacturing company from making up lost time to the extent of sixty hours per annum, beginning January 1 of each year current with the loss of time incurred, where such lost time has been caused by accident or other unavoidable cause: *Provided, further*, That such lost time shall be made up within three months after the lost time was incurred: *Provided, further*, That all manufacturing establishments subject to the provisions of this section shall cause to be posted in a conspicuous place in every room where such persons are employed, a notice printed in plain type, stating the number of hours required of them each day of the week, the exact time for commencing work in the morning, stopping at noon for dinner, commencing after dinner, and stopping at night; the form of such notice shall be approved by the commissioner of agriculture, commerce and industries: *Provided, further*, That should any manufacturer desire to make up any lost time caused by accident or unavoidable cause to the extent allowed in this section, he shall post in each room a typewritten notice, stating the exact time that will be made up, the exact time lost, when lost, and for what cause. A complete record of all lost time, [and] time made up by dates, in hours and minutes shall be kept by the proper officer of the manufacturing establishment, and presented on demand of the factory inspector. Failure to comply with any requirements in this section shall be deemed a violation of this act.

SEC. 421 A (added 1916, No. 547). *Deductions for absence.*—All regular hands working [in] cotton and woolen mills in this State, whether working

by the day, hank, piece or cut, upon absence from their said work, for any cause shall not be docked, nor have deducted from their regular wages, more than the said machine operated by them would have produced in the time of the absence of the said regular hand from his work, and all spare or extra hands that are employed to keep up or run the machine or machines operated by the regular hands, shall be paid full amount deducted from the regular hand's wages. Any person or corporation violating any of the provisions of this section shall be fined not less than fifty ($50) dollars, and not more than one hundred ($100) dollars for each offense or be imprisoned for not less than ten (10) nor more than thirty days.

Employment of children

Section 422 (as amended 1916, No. 361). *Age.*—[No child under the age of 14 may be employed in any factory, mine, or textile establishment in the State.]

Sec. 423. *Night work.*—[Children under 16 may not work in factories, etc., between 8 p. m. and 6 a. m., but to make up lost time due to accident they may work not later than 9 p. m.]

Secs. 424, 425. *Violations.*—[Penalties are provided for violations by employers and by parents or guardians.]

Sec. 426 (as amended 1917, No. 95). *Statement of age.*—[Employers of children under the age of 16 must secure from parents or guardians a sworn statement of name, age and place of birth and of residence. False statements are penalized.]

Employment of women—Seats—Hours of labor

Section 429. *Seats to be provided.*—It shall be the duty of all employers of females in any mercantile establishment, or any place where goods or wares or merchandise are offered for sale, to provide and maintain chairs or stools, or other suitable seats, for the use of such female employees, to the number of one seat for every three females employed, and to permit the use of such seats by such employees, at reasonable times, to such an extent as may be requisite for the preservation of their health. And such employees shall be permitted to use same, as above set forth, in front of the counter, table, desk, or any fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged in front of said counter, table, desk, or fixture; and behind such counter, table, desk, or fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged behind said counter, table, desk, or fixture. Any person who violates or omits to comply with any of the foregoing provisions of this section, or who suffers or permits any woman to stand, in violation of its provisions, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

The commissioner of agriculture, commerce and industries, and the State factory inspectors are hereby charged with the enforcement of the provisions of this law, and said commissioner is hereby empowered, from time to time whenever he may deem it necessary, to employ female inspectors for the purpose of collecting evidence. The sum of $300, if so much be necessary, shall annually be appropriated for the purpose of compensating such female inspectors.

Sec. 430 (as amended 1914, No. 262). *Hours in mercantile establishments; sixty hours per week.*—The hours of labor of women in mercantile establishments in this State shall be limited to sixty hours per week, not to exceed twelve hours in any one day, and such females shall not be allowed to work later than the hour of ten o'clock p. m. The enforcement of this law is placed in the hands of the commissioner, or inspectors, or duly authorized agents of the commissioner. Any employer or employers of female labor in mercantile establishments who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than $10 nor more than $40, or imp[r]isonment of not less than ten days nor exceeding thirty days.

Sec. 431. *Hours of labor on street railways; limit of twelve hours on street railways.*—No incorporated horse railway company, electric railway company, or other street railway company, and no officer, agent or servant of such cor-

poration, and no person or persons or firm or joint stock company owning or operating any line or lines of horse railways, electric railways or other street railways within the limits of this State, and no agent or servant of such firm, joint stock company, person or persons, shall require, permit or suffer its, his or their conductors, motormen, or drivers or other such employees, or any of them, in its, his, or their service, or under his, its or their control, to work more than twelve hours during each day or any day of twenty-four hours, and shall make no contract or agreement with such employees, or any of them, providing that they or he shall work for more than twelve hours during each day of any day of twenty-four hours.

If any corporation or any officer, agent or servant of such corporation, or any person or persons, or any firm or joint stock company, managing or conducting any horse railway, electric railway or other street railway in this State, or any agent or servant of such person or persons, firm or joint stock company, shall do any act in violation of the provisions of this section, it, he or they shall be deemed to have been guilty of a misdemeanor, and shall, on conviction thereof in a court of competent jurisdiction, be fined one hundred dollars for each offense so committed: *Provided, however*, That in cases of accident or unavoidable delay extra labor may be permitted for extra compensation: *Provided*, The employees of the said corporations of the city of Columbia, if they so desire, may work more than twelve hours daily, conditioned that they receive extra compensation for all work done over eleven hours.

Use of reports to commissioner of agriculture, etc.—Interference with factory inspectors

Section 486. *Names not to be disclosed.*—No use shall be made in the reports of the commissioner of agriculture, commerce and industries of the names of individuals, firms or corporations supplying the information called for by sections 861 to 874, inclusive, of the Civil Code, such information being deemed confidential and not for the purpose of disclosing any person's affairs; and any agent, inspector or employee of said commissioner violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not to exceed two hundred dollars, or imprisonment in the county jail not to exceed six months.

Sec. 487. *Hindering commissioner.*—Every person or corporation who shall willfully impede or prevent the commissioner of agriculture, commerce and industries, his agents or inspectors, in the free and full performance of his duties, or who shall discharge or discriminate in the payment of wages against any person because of his or her membership in a labor organization, shall be deemed guilty of a misdemeanor, and, upon conviction of the same, shall be fined not less than ten nor more than fifty dollars, or be imprisoned not less than ten nor more than thirty days.

Contract of employment—Fraudulent breach

Section 492 (as amended 1918, No. 469). *Failing to render service.*—Any person who shall contract with another to render him personal service of any kind and shall thereafter fraudulently, or with malicious intent to injure his employer, fail or refuse to render such service as agreed upon, shall be deemed guilty of a misdemeanor.

Sec. 493. *To receive service.*—Any person who shall hereafter contract to receive from another personal service of any kind, and to compensate him therefor, and shall thereafter fraudulently, or with malicious intent to injure his employee, fail or refuse to receive such service or to make compensation as agreed upon, shall be deemed guilty of a misdemeanor.

Sec. 494. *Procuring advances.*—Any person who shall hereafter contract with another to render personal service of any kind to him, and shall thereafter fraudulently, or with malicious intent to injure the employer, procure advances in money or other thing of value from him, with intent not to render the service agreed upon, and who shall thereafter, with like intent, fail or refuse to perform the service agreed upon, shall be deemed guilty of a misdemeanor.

Sec. 495. *Failure to pay.*—Any person who shall hereafter contract with another to receive from him personal service of any kind, to compensate him therefor, and to make advances to him, and shall thereafter fraudulently, or with malicious intent to injure the employee, receive the benefit of such service, in

whole or in part, and with like intent fail or refuse to make the compensation or advances agreed upon, shall be deemed guilty of a misdemeanor.

SEC. 496. *Form of contracts.*—The contracts referred to in sections 492 to 497, inclusive, may be either verbal or in writing; if in writing, they shall be witnessed by one or more disinterested persons, and at the request of either party be duly executed before a magistrate, whose duty it shall be to read and explain the same to the parties. Such contract shall clearly set forth the conditions upon which the laborer or laborers engaged to work, embracing the length of time, the amount of money to be paid, and when; if it be on shares of crops, what portion or portions thereof. If verbal, they must be witnessed by at least two disinterested witnesses, not related by blood or marriage within the sixth degree, to either party, and the term of service contracted for must be for a definite time, not exceeding one year. All such contracts shall be valid only between the original parties thereto, and any attempted transfer or assignment of any rights thereunder shall be null and void.

SEC. 497. *Proceedings against third parties.*—If either party to any written contract herein referred to desires to avail himself of the benefits of sections 492 to 497, inclusive, against third parties, he shall cause the same to be indexed in the office of the register of mesne conveyance or the clerk of the court (where the office of register of mesne conveyance does not exist) of the county in which said labor or service is to be performed, within ten days from the date of the contract; and such indexing shall constitute notice to all third parties. Said index shall show the names of the employer and the laborer, the date of the contract and the date of its termination, and the location and the name of the place or places whereon the said labor or service is to be performed. The clerk of the court or the register of mesne conveyance, as the case may be, shall indorse his official certificate and the date of filing to be indexed upon every such contract filed under the provisions of sections 492 to 498, inclusive, and his only fee for the same shall be five cents for each contract. And the clerks of court, or the register of mesne conveyances, as the case may be, in all the counties of the State shall provide a book for indexing such contracts, which shall be plainly labeled "Index Labor Contracts."

SEC. 498. *Violations.*—[Violations of sections 492 to 497 are punishable by fine, $25 to $100, or imprisonment 20 to 30 days for each offense. There shall be no prosecution unless warrant is issued within 30 days from commission of offense. Above sections shall not protect parties to or punish the violation of any contract or matter connected therewith, where consideration is money advanced prior to commencement of service thereunder.]

Payment of wages in scrip

SECTION 503. *Use of scrip payable at future time.*—Any person or persons who shall offer to any laborer or employee, at the time when the wages of such laborer or employee are due and payable by agreement, unless otherwise provided for by special contract, as compensation for labor, or services performed, checks, or scrips of any description, known as plantation checks, payable at some future time, or in the shops or stores of employers, in lieu of lawful money, shall be liable to indictment and punishment by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both, according to the discretion of the court: *Provided*, The word "checks" herein shall not be construed so as to prohibit the giving of checks upon any of the authorized banks of deposit or issue in this State.

Enticing employees

SECTION 504 (as amended 1913, No. 28). *Enticing laborer under contract.*—Any person who shall entice or persuade, by any means whatsoever, any tenant, servant, or laborer, under contract with another, duly entered into between the parties or between parents or guardians for the services of their minor children or wards before one or more witnesses, whether such contract be verbal or in writing to violate such contract, or shall employ such laborer knowing such laborer to be under contract with another, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, or to be imprisoned in the county jail not less than ten nor more than thirty days.

ACTS OF 1912

Act No. 405.—*Employment of children—Messenger service*

Sections 1–6. *Children under 14; night work.*—[This act forbids any child under 14 to be employed in messenger or delivery service in any city of 5,000 inhabitants or over; or any minor under 18 to be so employed between 10 p. m. and 5 a. m. The commissioner of agriculture, commerce, and industries is charged with the enforcement of the act, and it is a misdemeanor to willfully interfere with him or his agents in so doing. Violations by employers or by parents are penalized by fines $10 to $50, or imprisonment, not over 30 days.]

Act No. 424.—*Employment of labor—Notice of suspension of work*

Section 1. *Who to give notice.*—All employers of labor in this State requiring notice from any employee, of the time such employee will quit work, shall give notice to its employees, of its purpose to quit work, or shut down, by posting a printed notice stating the date of the beginning of the shutdown or cessation from work, and the approximate length of time the continuous shutdown is to continue, in each room of its building; not less than two weeks or the same time as is required of employees before so stopping work, or shutting down, of its purpose to stop work or shut down: *Provided*, That they are not required to do so by reason of some unforeseen accident to machinery, or by some act of God or of the public enemy.

Sec. 2. *Violations.*—[Failure to comply with above section is punishable by a fine of not less than $5,000, and the employer shall be liable to every employee for all damages suffered.]

ACTS OF 1914

Act No. 340 (as amended 1918, No. 475).—*Protection of employees on street railways*

Sections 1, 2. *Heat.*—[This act requires electric street railway cars to be provided with sufficient heat for all passengers and employees.]

Act No. 393.—*Labor organizations—Relief societies*

Section 1. *Associations authorized.*—* * * Local labor organizations with a national or international charter, may form mutual associations, incorporated or unincorporated, for the purpose of aiding their members or their beneficiaries in times of sickness and death by levying equitable assessments for the payment of sick relief or death benefits, upon compliance with the terms of this act.

Sec. 2. *Not for profit.*—Such association[s] shall have no paid agents for the soliciting of business of members, and shall be conducted without profit. They shall file an annual report with the insurance commissioner, who shall issue to them a certificate showing that they have complied with the laws of this State.

Sec. 3. *No fees to be paid.*—Such associations shall pay no license fee and shall be subject only to such examination by the insurance commissioner as will enable him to determine that such associations have complied with the insurance laws of the State. Nothing in this act shall be construed to prevent such associations as are now operating in this State from continuing to operate on their present plans.

Act No. 399.—*Payment of wages—Railroad shop employees*

Section 1. *Semimonthly pay day.*—All railroad corporations doing business in this State shall pay their employees engaged in work in their shops semimonthly: *Provided*, That nothing contained in this act shall apply to railroads owning, leasing or operating less than 35 miles in South Carolina.

Sec. 2. *Violations.*—Any railroad corporation violating the provisions of section 1 shall, upon conviction in any court of competent jurisdiction, be liable to a fine of not more than one hundred ($100) dollars, or less than twenty-five ($25) dollars.

Act No. 401.—*Railroads—Warning boards to be erected*

Section 1. *Boards required, when.*—Every company, lessee, manager or receiver owning or operating a railroad in this State is hereby required to pro

vide and maintain and place warning boards one mile from all stations, drawbridges and where railroads cross at grade; the boards to have letters of sufficient size to be clearly seen from the engine and to describe the place of danger, said boards to be put not more than eight feet from the side of the track.

SEC. 2. *Time limit.*—Each person, partnership, company or receiver who is affected by this law shall, within one year, equip all of their lines or branches in this State in accordance with this act.

SEC. 3. *Violations.*—[Failure to comply after 10 days' notice is punishable by fine of $5 for every day of continued neglect, and failure to reerect warning boards after 10 days' notice entails a fine of $5 for each day's neglect. One-half of penalty is to go to party bringing action and one-half to go into county treasury.]

ACT NO. 403.—*Railroads—Shelters for employees at division points*

SECTION 1. *Shelters to be erected.*—All railway companies having railroad shops in this State at division points, where cars are regularly taken out of trains for repairs or construction work, or where other railroad equipment is regularly made, repaired or constructed, are hereby, required to furnish or construct a building or shed in said shops or yards, with a suitable and sufficient roof over the repair and construction track or tracks so as to provide that all men or employees employed in the construction and repair of locomotives, cars, trucks or other railroad equipment, excepting slight or minor repairs or when done in an emergency, shall be under shelter and protected during snows, rains, sleets, hot sunshine, and other inclement weather: *Provided*, The railroad commission shall have the power to direct the points at which sheds shall be erected, and the character of the sheds; *Provided, further*, That such order shall only be made after a hearing, of which public notice shall have been given.

SEC. 2. *Violations.*—Any railroad found guilty of violating the provisions of this act shall be subject to a fine of fifty ($50) dollars per day for every day of such violation.

SEC. 3. *Exemption.*— * * * The provisions of this act shall not apply to railroads twenty miles or less in length.

ACTS OF 1915

ACT NO. 69.—*Factory regulations—Segregation of races in textile factories*

SECTION 1. *Races to be separated.*—It shall be unlawful for any person, firm or corporation engaged in the business of cotton textile manufacturing in this State to allow or permit operatives, help and labor of different races to labor and work together within the same room, or to use the same doors of entrance and exit at the same time, or to use and occupy the same pay-ticket windows or doors for paying off its operatives and laborers at the same time, or to use the same stairways and windows at the same time, or to use at any time the same lavatories, toilets, drinking-water buckets, pails, cups, dippers or glasses: *Provided*, Equal accommodations shall be supplied and furnished to all persons employed by said person, firm or corporation engaged in the business of cotton textile manufacturing as aforesaid, without distinction [as] to race, color or previous condition.

SECS. 2, 2-A. *Violations.*—[Provide as penalties not over $100 fine or imprisonment not more than 30 days, or both.]

SEC. 3. *Exemptions.*—This act shall not apply to employment of firemen as subordinates in boiler rooms, truckmen, or to floor scrubbers and those persons employed in keeping in proper condition lavatories and toilets, and carpenters, mechanics and others engaged in the repair or erection of buildings.

ACT NO. 81.—*Employers' liability insurance—Mutual companies*

SECTIONS 1-5. *Insurance.*—[This act authorizes any number of persons, not less than 20, a majority residents of the State, to form mutual companies to insure their liability for injury, death by accident, disability or disease of others.]

ACT No. 126.—*Scrip—Discounting*

SECTION 1. *Discounting forbidden.*—Any person, firm, or corporation who shall acquire any trade check, payable either in money or in merchandise, which has been given, directly or indirectly, for the payment of the wages of a laborer, for less than the actual par value at and in which said trade check is payable, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine not exceeding one hundred ($100) dollars, or by imprisonment not exceeding thirty days.

SEC. 2. *Penalty.*—Any person, firm or corporation who shall acquire such trade check for less than its face value shall have no right to collect and enforce the payment thereof.

ACTS OF 1916

ACT No. 544.—*Hours of labor of employees on interurban railroads*

SECTIONS 1–3. *Ten hours' work.*—[This act fixes at 10 hours out of 24 as the working day of employees of interurban electric railways not over 40 miles in length, except in cases of accident or unavoidable delays. Penalties are fine not over $100 or imprisonment not more than 30 days.]

ACT No. 545.—*Arbitration and conciliation—State board*

SECTION 1. *State board created.*—A board of conciliation for the investigation and arbitration of industrial disputes and strikes is hereby created, to be composed of three members, to be appointed by the governor as hereinafter provided.

SEC. 2. *Terms of service.*—The terms of the members of said board first appointed shall be for two, four and six years, respectively, from the date of their appointment, and thereafter upon the expiration of a term of a member of said board his successor shall be appointed for a term of six years, appointed [appointments] to fill vacancies caused by death, resignation or otherwise before the expiration of such term, shall be made for the residue of such terms in the same manner as herein provided for original appointments.

SEC. 3. *Duties.*—The duties of the board of conciliation shall be to investigate industrial disputes or strikes or lockouts arising between employer and employees or capital and labor; to ascertain, as near as may be, the cause or causes of such industrial disputes or strikes or lockouts, to make a finding of fact in respect thereto; to report their findings of fact to the governor as soon as may be, and annually to the General Assembly of the State of South Carolina (subject to the proviso hereinafter made), to endeavor as far as possible, to induce both sides to such an industrial dispute or strike or lockout to arrive at an agreement; to remove misunderstandings or differences; to nominate, appoint, or act as arbitrators when so requested by both sides to the controversy, and, in general to remove as much as possible the causes for industrial disputes or strikes or lockouts, and to induce an amicable settlement of the same.

SEC. 4. *Powers.*—The board of conciliation shall have the power to summon witnesses and compel them to testify; to compel the production of books or documents relating to questions in dispute; to inspect property with respect to which there is a dispute; with relation to industrial disputes or strikes or lockouts; to examine into working conditions and sanitary conditions, and at all times to have access to any property or premises necessary to such inspection.

SEC. 5. *Same.*—The board of conciliation shall have power to summon before it and to examine in public or in executive session any persons concerned in such strike or lockouts, or industrial disputes or any other person within the State of South Carolina, and to make a report to the governor or to the general assembly, of such testimony and its recommendation with respect thereto: *Provided, however,* That no report shall be made in such cases where a majority of such board of conciliation shall deem it inadvisable so to do.

SEC. 6. *Compensation.*—The compensation of the board shall be ten ($10) dollars per day to each member in attendance while actually employed in the performance of the duties herein prescribed in addition to traveling expenses.

SEC. 7. *Sessions.*—The board can be called into session, and into the performance of its duties and functions, by the governor.

SEC. 8. *Qualifications of members.*—One of the members of the said board of conciliation shall be an employer of labor in behalf of an incorporated company; one to be a member of a recognized labor union, the third member to be appointed on recommendation of the two so appointed as aforesaid: *Provided*, That in case the two members appointed as aforesaid do not agree on the third member within thirty days after their appointment, then the governor shall use his discretion in the appointment of the third member without recommendation, so that at least one member shall be neither an employer of labor in behalf of an incorporated company or an employee of any such company.

SEC. 9. *Duties.*—The duties and functions of the board of conciliation hereby created shall be the conciliation of industrial disputes or strikes or lockouts, and the removal of cause for industrial disputes or strikes or lockouts; and their powers and the terms of this act shall be favorably construed for the promotion of that end.

SEC. 9-a (added 1919, No. 87). *Violations.*—Any person, firm or corporation violating the provisions of this act, shall, upon conviction, be fined not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, or sentenced to not more than thirty (30) days upon the county chain gang.

ACT No. 546.—*Payment of wages—Weekly pay day in textile mills*

SECTION 1. *Weekly pay day required.*—All corporations engaged in textile manufacturing in this State shall have a regular pay day once in every week for the payment of the wages which have been earned by the laborers during the preceding week and any such manufacturing corporation refusing to have a weekly pay day shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than two hundred dollars for each offense.

ACT No. 557.—*Liability of railroad companies for injuries to employees*

SECTION 1. *Liability for damages.*—Every common carrier by railroad while engaging in commerce within the State of South Carolina shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, of such employees' parents; and, if none, then of the next of kind [kin], for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. And in every such action the jury may give such damages, as they may think proportioned to the injury or injuries resulting from such death to the parties respectively, for whom and for whose benefit such action shall be brought; and the amount so recovered shall be divided among the before-mentioned parties, in such shares as they would have been entitled to if the deceased had died intestate and the amount recovered had been personal assets of his or her estate.

SEC. 2. *Comparative negligence.*—In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed, shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 3. *Assumption of risks.*—In any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 4. *Waivers.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void:

Provided, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 5. *Limitation.*—No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

SEC. 6. *Survival of right of action.*—Any right of action given by this act to a person suffering injury shall survive to his or her personal representatives, for the benefit of their [the] surviving widow, or husband and children of such employee; and if none, such employee's parents, and if none, then of the next of kin of such employee. But in such case there shall be only one recovery for the same injury.

SEC. 7. *Scope of act.*—The term "common carrier" as used in this act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8. *Construction.*—Nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other act or acts of the general assembly of this State not inconsistent with the provisions of this act, but the remedies and provisions herein shall be held to be in addition to and cumulative of existing remedies.

SEC. 8a. *Punitive damages.*—Punitive damages shall not be recoverable in cases arising under this act so far as the same are not in conflict with this act.

ACTS OF 1918

ACT No. 394.—*Protection of employees on interurban railways*

SECTIONS 1, 2. *Vestibules to be heated.*—[This act requires interurban railways to furnish cars and vestibules with heating apparatus for the comfort of passengers and operators. The act does not apply to roads whose direct line is more than 50 miles long.]

ACTS OF 1921

ACT No. 430.—*Employment of children—School attendance*

SECTIONS 1–14. *Compulsory attendance.*—[This act requires attendance at school to age 14. Attendance officers may require birth certificate or affidavits of age, and may visit places of employment to enforce the act. Children 12 years of age whose labor is necessary for the support of a widowed mother or crippled father may be excused.

No child under 14 may be employed in any place or manner during the school hours without a certificate that he has attended school for the period required during the current year, or is excused from attendance as physically, mentally or morally unfit.]

ACTS OF 1922

ACT No. 537.—*Payment of wages of textile employees*

SECTION 1. *Payment during work hours.*—From and after the approval of this act, every textile industry in this State, whether incorporated or otherwise, shall, on its regular pay day, pay its employees who work within the bounds of the premises owned, leased, controlled, or occupied by such textile industry during work hours.

SEC. 2. *Absent employees.*—Any employee not present to receive his or her wages in accordance with section 1 of this act shall at any time thereafter, upon demand, receive such wages as are due to him or her.

SEC. 3. *Violations.*—Any person, firm, or corporation violating the provisions of this act shall be liable for the payment of fifty ($50) dollars penalty for each violation, to be recovered at the instance of the aggrieved party.

ACT No. 589.—*Arbitration of labor disputes—Street railways*

SECTION 1. *Request of either party.*—In case of differences and disputes arising between any street railway and its employees, in reference to wages,

hours, rules, and regulations, or any other matter affecting or pertaining to such employment, the said parties, to wit, the employer and employees shall submit such matters of difference to a board of arbitration, if either party—that is, the employer or the employees—make request therefor.

SEC. 2. *Selection of arbitrators.*—Such request by either party shall be made by serving notice on the other party of the matters of difference which it or they desire arbitrated, and naming with such notice an arbitrator in behalf of the party giving the notice. Thereupon the other party shall, within five days thereafter, name an arbitrator on their or its behalf, serving notice of and the name of such proposed arbitrator of the other party or parties. The two arbitrators so chosen shall meet within five days thereafter and select a third disinterested party to act with them. And if the arbitrators so chosen by the respective sides fail to agree upon a third person, then the mayor of the city in which such street railway is located shall act as the third arbitrator. If either party, after five (5) days' notice and request for the appointment and naming of an arbitrator as hereinabove provided, shall fail to name such arbitrator, then on application and affidavit setting forth such fact the judge holding the court of common pleas of the circuit in which such county is located, or the judge of the court of common pleas, resident in such circuit, shall name such arbitrator for the party in default.

SEC. 3. *Hearings.*—It shall be the duty of the said board of arbitrators so selected, after notice to both parties of not less than ten days, to hold such hearing or hearings as the said board may deem proper, to investigate all matters of difference and dispute, to ascertain the cause of causes thereof, and to make a finding or award in respect thereto, furnishing a copy of such finding or award to the parties to the said dispute, to wit, one copy to the employees and one to the common carrier, and also to file a copy with the governor of the State.

SEC. 4. *Findings.*—Such finding and award by a majority of said board shall be binding upon all the parties, unless an appeal is taken therefrom within ten days after the service of a copy of such finding and award. Either party shall have the right to appeal upon questions of law and fact from such finding.

SEC. 5. *Appeals.*—If either party to said finding shall desire to appeal therefrom, such party shall give notice in writing within ten days after notice of said award to the other party, and to the chairman of the board of arbitrators, setting forth in such notice the grounds of his appeal; thereupon it shall be the duty of said board of arbitrators to transmit all the papers, including any evidence taken by it, to the court of common pleas for the county in which such common carrier is situated. Upon receipt of such papers by the clerk of the court of common pleas for such county, it shall be the duty of said clerk to forthwith file and docket the same on calendar 2. And it shall be the duty of the judge holding the courts of said circuit, or the judge resident in said circuit, to take up the said case as speedily as possible, giving the same preference in hearing, and to hear the same upon the record transmitted and to review and correct any errors of law he may find.

SEC. 6. *Jurisdiction.*—For the purposes of this act any judge of the Circuit Court of the State of South Carolina shall have jurisdiction to hear and pass upon any appeal herein, at chambers, as fully as might be done in open court.

SEC. 7. *Application of law.*—This act shall only apply to counties in which there are incorporated cities of not less than thirty thousand and not more than fifty thousand people, according to the last census.

ACTS OF 1923

ACT NO. 148.—*Earnings of minors—Fraud*

SECTION 19. * * * *Failure to pay.*—Whenever any person, having a contract with any corporation, company, or person, for the manufacture or change of any raw material by the piece or pound, shall employ any minor to assist in the work upon the faith of and by color of such contract, with intent to cheat and defraud such minor, and, having secured the contract price, shall willfully fail to pay the minor when he shall have performed his part of the contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and, upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SOUTH DAKOTA

REVISED CODES—1919

Employment of labor—General provisions

SECTION 1071. *Definition of contract.*—The contract of employment is a contract by which one, who is called the employer, engages another, who is called the employee, to do something for the benefit of the employer, or of a third person.

SEC. 1072. *Employee to be indemnified, when.*—An employer must indemnify his employee, except as prescribed in the next section, for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such, or of his obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying such directions, believed them to be unlawful.

SEC. 1073. *Ordinary risks.*—An employer, except as otherwise specially provided, is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless he has neglected to use ordinary care in the selection of the culpable employee.

SEC. 1074. *Want of care.*—An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

SEC. 1075. *Service without consideration.*—One who, without consideration, undertakes to do a service for another, is not bound to perform the same, but if he actually enters upon its performance he must use at least slight care and diligence therein.

SEC. 1076. *Employment on request.*—One who, by his own special request, induces another to intrust him with the performance of a service, must perform the same fully. In other cases one who undertakes a gratuitous service may relinquish it at any time.

SEC. 1077. *Accepting written power of attorney.*—A gratuitous employee who accepts a written power of attorney, must act under it so long as it remains in force, or until he gives notice to his employer that he will not do so.

SEC. 1078. *Service for consideration.*—One who, for a good consideration, agrees to serve another, must perform the service, and must use ordinary care and diligence therein, so long as he is thus employed.

SEC. 1079. *Service for personal advantage.*—One who is employed at his own request to do that which is more for his own advantage than for that of his employer, must use great care and diligence therein to protect the interest of the latter.

SEC. 1080. *Limit of term of contract.*—A contract to render personal service can not be enforced against the employee beyond the term of two years from the commencement of service under it, but if the employee voluntarily continues his services under it beyond that time the contract may be referred to as affording a presumptive measure of the compensation.

SEC. 1081. *Obedience to orders.*—An employee must substantially comply with all the directions of his employer concerning the service on which he is engaged, even though contrary to the provisions of this chapter, except where such obedience is impossible, or unlawful, or would impose new and unreasonable burdens upon the employee, or in case of an emergency, which, according to the best information which the employee can with reasonable diligence obtain, the employer did not contemplate; in which he can not, with reasonable diligence, be consulted; and in which noncompliance is judged by the employee in good faith and in the exercise of reasonable discretion to be absolutely necessary for the protection of the employer's interests. In all such cases the employee must conform as nearly to the directions of his employer as may be reasonably practicable, and most for the interest of the latter.

SEC. 1082. *Usage of place.*—An employee must perform his service in conformity to the usage of the place of performance unless otherwise directed

by his employer, or unless it is impracticable or manifestly injurious to his employer to do so.

SEC. 1083. *Degree of skill.*—An employee is bound to exercise a reasonable degree of skill, unless his employer has notice before employing him of his want of skill.

SEC. 1084. *Same subject.*—An employee is always bound to use such skill as he possesses, so far as the same is required, for the service specified.

SEC. 1085. *Acquisitions by employees.*—Everything which an employee acquires by virtue of his employment, except the compensation, if any, which is due to him from his employer, belongs to the latter, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

SEC. 1086. *Accounts.*—An employee must, on demand, render to his employer just accounts of all his transactions in the course of his service as often as may be reasonable, and must, without demand, give prompt notice to his employer of everything which he receives for his account.

SEC. 1087. *Goods received may be held until demand.*—An employee who receives anything on account of his employer in any capacity other than that of a mere servant is not bound to deliver it to him until demanded, and is not at liberty to send it to him from a distance without demand in any mode involving greater risk than its retention by the employee himself.

SEC. 1088. *Employer's business to have preference.*—An employee who has any business to transact on his own account similar to that intrusted to him by his employer must always give the latter the preference. If intrusted with similar affairs by different employers, he must give them preference according to their relative urgency or, other things being equal, according to the order in which they were committed to him.

SEC. 1089. *Substitutes.*—An employee who is expressly authorized to employ a substitute is liable to his principal only for want of ordinary care in his selection. The substitute is directly responsible to the principal.

SEC. 1090. *Culpable negligence.*—An employee who is guilty of a culpable degree of negligence is liable to his employer for the damage thereby caused to the latter; and the employer is liable to him, if the service is not gratuitous, for the value of such services only as are properly rendered.

SEC. 1091. *Survivor of joint employees.*—Where service is to be rendered by two or more persons jointly and one of them dies the survivor must act alone if the service to be rendered is such as he can rightfully perform without the aid of the deceased person, but not otherwise.

SEC. 1093. *Termination of employment.*—Every employment in which the power of the employee is not coupled with an interest in its subject is terminated by notice to him of:

1. The death of the employer; or
2. His legal incapacity to contract.

Every employment is terminated:

1. By the expiration of its appointed term;
2. By the extinction of its subject;
3. By the death of the employee; or
4. By his legal incapacity to act as such.

SEC. 1094. *Continuance of employment after death of employer.*—An employee, unless the term of his service has expired or unless he has a right to discontinue it at any time without notice, must continue his service after notice of the death or incapacity of his employer, so far as is necessary to protect from serious injury the interests of the employer's successor in interest, until a reasonable time after notice of the facts has been communicated to such successor. The successor must compensate the employee for such service according to the terms of the contract of employment.

SEC. 1095. *Termination at will.*—An employment having no specified term may be terminated at the will of either party on notice to the other, except where otherwise provided by this chapter.

SEC. 1096. *Breach of duty by employee.*—An employment, even for a specified term, may be terminated at any time by the employer in case of any willful breach of duty by the employee in the course of his employment or in case of his habitual neglect of duty or continued incapacity to perform it.

SEC. 1097. *By employer.*—An employment, even for a specified term, may be terminated by the employee at any time in case of any willful or permanent breach of the obligations of his employer to him as an employee.

SEC. 1098. *Forfeiture of wages.*—An employee dismissed by his employer for good cause is not entitled to any compensation for services rendered since the last day upon which a payment became due to him under the contract.

SEC. 1099. *Proportionate compensation.*—An employee who quits the service of his employer for good cause is entitled to such proportion of the compensation which would become due in case of full performance as the services which he has already rendered bear to the services which he was to render as full performance.

SEC. 1100. *Definition.*—A servant is one who is employed to render personal service to his employer otherwise than in the pursuit of an independent calling, and who in such service remains entirely under the control and direction of the latter, who is called his master.

SEC. 1101. *Measure of term of service.*—A servant is presumed to have been hired for such length of time as the parties adopt for the estimation of wages. A hiring at a yearly rate is presumed to be for one year; a hiring at a daily rate for one day; a hiring by piecework for no specified term.

SEC. 1102. *Monthly term presumed.*—In the absence of any agreement or custom as to the rate or value of wages, the term of service, or the time of payment a servant is presumed to be hired by the month, at a monthly rate of reasonable wages, to be paid when the service is performed.

SEC. 1103. *Renewal of agreement presumed, when.*—Where, after the expiration of an agreement respecting the wages and the term of service, the parties continue the relation of master and servant they are presumed to have renewed the agreement for the same wages and term of service.

SEC. 1104. *Servant's time.*—The entire time of a domestic servant belongs to the master; and the time of other servants to such an extent as is usual in the business in which they serve, not exceeding in any case ten hours in the day.

SEC. 1105. *Delivery of goods, etc., received.*—A servant must deliver to his master, as soon as with reasonable diligence he can find him, everything that he receives for his account, without demand: but he is not bound, without orders from his master, to send anything to him through another person.

SEC. 1106. *Discharge for cause.*—A master may discharge any servant, whether engaged for a fixed term or not:

1. If he is guilty of misconduct in the course of his service, or of gross immorality, though unconnected with the same; or,

2. If, being employed about the person of the master, or in a confidential position, the master discovers that he has been guilty of misconduct before or after the commencement of his service, of such a nature that, if the master had known or contemplated it, he would not have so employed him.

SEC. 1107. *Service without employment.*—One who officiously, and without the consent of the real or apparent owner of a thing, takes it into his possession, for the purpose of rendering a service about it, must complete such service and use ordinary care, diligence and reasonable skill about the same. He is not entitled to any compensation for his service or expenses, except that he may deduct actual and necessary expenses, incurred by him about such service, from any profits which his service has caused the thing to acquire for its owner, and must account to the owner for the residue.

Suits for wages—Exemptions

SECTION 2668. *What exempt.*—[Only personal property absolutely exempt is exempt from process for laborers' or mechanics' wages.]

Exemption of wages from execution, etc.

SECTION 2703. *Amount.*—[Earnings of a judgment debtor for 60 days prior to the order are exempt from seizure if it is made to appear that such earnings are necessary to the support of a dependent family.]

Wages as preferred claims—In administration, etc.

SECTION 3407. *Rank.*—[Wage debts of servants and employees for 60 days prior to the death of the employer rank next after funeral expenses, the expenses of the last sickness, and expenses of administration.]

Protection of employees as voters

SECTION 3653. *Attempting to influence vote.*—It shall not be lawful for any employer in paying his employees the salary or wages due them, to inclose their pay in "pay envelopes" upon which there is written or printed any political mottoes, devices, or arguments, containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employees. Nor shall it be lawful for any employer, within ninety days of a general election, to put up or otherwise exhibit in his factory, mill, workshop, or other establishment or place where his employees may be working, any handbill or placard containing any threat, notice, or information that in case any particular ticket or candidate shall be elected work in his place or establishment will cease in whole or in part, or that his establishment will be closed up, or the wages of his workmen will be reduced, or other threats, express or implied, intended or calculated to influence the political opinion or the actions of his employees in voting. Any person or corporation violating the provisions of this section shall be guilty of a misdemeanor. Any corporation violating the provisions of this section shall, upon proof thereof, forfeit its charter.

Intimidation of employers and employees

SECTION 4373. *Interfering with employment.*—Every person who, by any use of force, threats or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, workman, laborer, servant or other person employed by another from continuing or performing his work, or from accepting any new work or employment, or induces such hired person to relinquish his work or employment, or to return any work he has in hand before it is finished, is guilty of a misdemeanor.

SEC. 4374. *Threatening employers.*—Every person who, by any use of force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or compels another to employ any person, or forces or induces another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, workmen, laborers, servants or other persons employed by him, or their rate of wages or time of service, is guilty of a misdemeanor.

SEC. 4375. *Entering mines, etc.*—In all cases where two or more persons * * * shall enter upon or into any lode, gulch, placer claim or quartz mill or other mining property, or, not being upon such property but within hearing of the same, shall make any threats or make use of any language, sign or gesture calculated to intimidate any person or persons at work on said property from continuing work thereon or therein, or to intimidate others from engaging to work thereon or therein, every such person so offending, shall, upon conviction, be punished by imprisonment in the county jail not exceeding six months and not less than thirty days, and by a fine not exceeding two hundred and fifty dollars. On trials under this section, proof of a common purpose of two or more persons * * * to intimidate laborers as above set forth, accompanied or followed by any of the acts above specified, by any of them, shall be sufficient evidence to convict any one committing such acts, although the parties may not be associated together at the time of committing the same.

Factory, etc., regulations—Doors to open outward—Fire escapes

SECTION 8218. *Doors.*—Except when otherwise specially provided, all doors of ingress or egress in * * * factories, hotels and all other buildings or rooms wherein numbers of persons are employed or are in the habit of meeting together for any purpose, shall be so constructed as to open and swing outward, and doorways shall not be less than four feet in width with proper landings, and stairways of at least equal width. * * * Any person failing to comply with the provisions of this section or who shall build, maintain or permit to be used any such building contrary to the provisions of this section shall be deemed guilty of a misdemeanor.

SEC. 8219. *Fire escapes.*—Except when otherwise specially provided, all factories, * * * which are two or more stories in height, shall be provided by the owners thereof with two or more fire escapes, placed within easy access of the occupants of such building.

Mine regulations

SECTIONS 8705–8715, 8716 (as amended 1921, ch. 286), 8717 (as amended 1919, ch. 260). *Inspector.*—[These sections provide for the appointment by the governor, by and with the advice of the senate, of a mine inspector for a term of two years, at a salary of $2,400 a year and expenses of travel, etc. He must be not under 30, and practically acquainted with mining in all its branches. Bond of $5,000 is required. He is charged with inspection, particularly as regards safety, ventilation, and means of egress, and must be assisted therein by the operator of any mine visited. He must inspect at least once a year, and on complaint of three persons in writing, and may require necessary changes to be made without delay. He must be notified of serious accidents, and must, if possible, attend the coroner's inquest in case of fatal accidents; if not, the operator must secure sworn statements of witnesses, to be placed in the hands of the inspector.

Mines in which only owners or lessees are employed are not under this act.]

SECS. 8719–8721. *Safety.*—[These sections require ladder ways in mines over 50 feet in depth in a separate compartment from the hoisting shaft; the establishment of a code of signals; and prescribe the protection of miners hoisted and lowered in cages in shafts 200 feet or more in depth.]

Factory, etc., regulations—Reduction works

SECTION 8722. *Gases, etc., to be removed.*—Any person operating any smelter or dry crushing reduction works shall install therein exhaust fans and dust chambers or some other contrivance for the removal of all gases, fumes, dust, and other impurities that accumulate, at all times, in the operation of such works.

SECS. 8723, 8724. *Violations.*—[Violations are punishable by fines, $500 to $1,000. Proof of failure to comply is prima facie evidence of negligence.]

SEC. 8725. *Enforcement.*—[The State mine inspector must visit such works at least once every month to see that the foregoing law is enforced.]

Employers' liability insurance—Mutual associations

SECTIONS 9411–9435. *Organization.*—[These sections authorize 20 or more persons or employees to incorporate to insure their liability under the compensation law, and for sickness and accidental injury or death of employees or others for whom the insured is responsible.]

Industrial commissioner

SECTION 9464. *Who to act.*—The office of the industrial commissioner shall continue as heretofore created; the commissioner of immigration shall be ex officio industrial commissioner, and such industrial commissioner shall have authority and be charged with the duty of carrying out and enforcing the provisions of this article [relating to workmen's compensation]. He shall also assist employers of labor to secure needed laborers, assist laborers to secure positions, and cooperate with the United States Department of Labor, and agencies of this State, in maintaining a free employment service for bringing employer and laborer together.

SEC. 9465. *Expenses, etc.*—The actual necessary expenses of the industrial commissioner shall be paid by the State, and he shall be provided with adequate and necessary office rooms, furniture, equipment, and other supplies necessary to the discharge of his duties. The commissioner, by and with the consent of the governor, may appoint a deputy and employ such other assistants and clerical help as may be required and fix the compensation of each: *Provided*, That the salary of the deputy shall not exceed fifteen hundred dollars per annum. Such deputy shall possess and exercise all the powers conferred by this article upon the industrial commissioner, and, except as to appointment and salary, the phrase "industrial commission," wherever it occurs in this article, shall be construed to include such deputy. The commissioner shall provide himself with a seal, which shall be used to authenticate his orders, decisions, and other proceedings deemed necessary, upon which shall be inscribed the words, "South Dakota Industrial Commissioner." The commissioner shall have the power to remove at any time any person appointed or employed by him. Before entering upon his duties the commissioner shall qualify by taking the constitutional oath of office.

Railroads—Accidents—Switch lights

SECTIONS 9689, 9690. *Accidents.*—[All accidents must be reported to the board of railroad commissioners, by telephone or telegraph if personal injury or loss of life is involved. The board may, if it deems it necessary, investigate the causes of accidents and issue orders for such changes as will prevent reenrrenee.]

SEC. 9693. *Switch lights.*—It shall be the duty of every railroad company operating any line of railway in this State to maintain good and sufficient switch lights on all switches connected with its main line and to keep the same lighted from dark until daylight: *Provided*, That such light shall be required only on such main-line switches over which trains shall be operated between sunset and sunrise.

SEC. 9694. *Violations.*—[Penalty for violations, fine of not less than $100 nor more than $1,000 for each offense.]

Liability of railroad companies for injuries to employees

SECTION 9708. *Liability.*—Every railroad company operating a railway in this State shall be liable in damages to any person suffering injury while he is employed by such company or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any officer, agent, or employee of such company or by reason of any defects or insufficiency, due to its negligenee, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided*, That nothing in this section shall be held to apply to any railroad company while engaging in commeree between any of the several States and Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States and Territories and any foreign nation or nations: *And provided further*, That the provisions of this article shall apply and extend to every sueh company while engaging in intrastate commerce as distinguished from interstate commerce.

SEC. 9709. *Contributory negligence.*—In all actions against any railroad company brought under the preceding section to recover damages for any personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributed to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such company of any statute enacted for the safety of employees contributed to the death or injury of such employee.

SEC. 9710. *Survival of action.*—The right of action given by the second preceding section to a person suffering injury shall survive to his personal representative for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then to the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury or death.

SEC. 9711. *Assumed risk.*—In any action brought against any railroad company under the provisions of the third preceding section to recover damages for injuries to, or the death of, any employee, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such company of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 9712. *Waivers.*—Any contract, rule, regulation, or device the purpose or intent of which shall be to enable any railroad company to exempt itself from any liability created by the fourth preceding section shall to that extent be void: *Provided*, That in any action brought under such section such company may set off therein any sum it has contributed or paid to any insurance, relief-benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which such action was brought.

SEC. 9713. *Defenses.*—In any action for damages against a corporation or receiver, operating a railroad, for the death or personal injury of an employee or servant caused by the wrong or negligence of such corporation or receiver, the plea of assumed risk of the deceased or injured employee, when the ground of the plea is knowledge or means of knowledge of the defect and danger which caused the injury or death, shall not be available where such employee, having an opportunity before being injured or killed to inform the employer or a superior intrusted by the employer with authority to remedy the defect, or cause it to be remedied, notified, or caused to be notified the employer or superior thereof, within a reasonable time: *Provided*, That it shall not be necessary to give such information when the employer or such superior already knows of the defect.

SEC. 9714. *Limitation.*—No such action shall be maintained unless commenced within two years from the day the cause of action accrued.

Railroads—False charges against employees

SECTION 9725. *False statements.*—Every person who shall by any letter, mark, sign or designation whatever, or by any verbal statement, maliciously, falsely and without probable cause report to any railroad or any other company or corporation, or to any individual or individuals, or to any of the officers, servants, agents, or employees of any such corporation, individual, or individuals, that any conductor, brakeman, engineer, fireman, station agent or other employee of any such railroad company, corporation, individual or individuals, has received any money for the transportation of persons or property, or shall falsely, maliciously and without probable cause report that any conductor, brakeman, engineer, fireman, station agent or other employee of any such railroad company, corporation, individual or individuals, neglected, failed or refused to collect any money for transportation of persons or property when it was his duty to do so, shall upon conviction be adjudged guilty of a misdemeanor and shall be fined in any sum not less than one hundred dollars and not more than five hundred dollars.

Employment of women and children

SECTION 10014 (as amended 1923, ch. 308). *Hours of labor.*—Any employer, or other person having control who shall compel any woman, girl or child under the age of sixteen years to labor or be employed for more than ten hours in any day, or fifty-four hours in any week, except that for five days prior to Christmas he or she may be employed not to exceed twelve hours per day during that period shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment: *Provided*, That this section shall not apply to farm laborers, domestic servants, telegraph and telephone operators or to persons engaged in the care of live stock: *And provided further*, That in cities having a population of three thousand or less according to the last State or Federal census, the standard day may by agreement be made not to exceed ten hours.

SEC. 10015 (as amended 1923, ch. 308). *Age.*—No child under fourteen years of age shall be employed at any time in any factory or workshop or about any mine, nor shall he or she be employed in any mercantile establishment except during the vacation of the public schools or outside of school hours, but in no case after seven o'clock p. m. No child under sixteen years of age shall be employed at any time in any occupation dangerous to life, health, or morals.

SEC. 10016. *Certificate.*—[Children under 16 must have certificates of age and literacy or school attendance.]

SEC. 10017. *Inspection.*—[Places where children are employed may be visited by the county superintendent of schools to enforce these provisions.]

SEC. 10018. *Labor necessary.*—[Children not eligible under the above may be granted permits of employment if their labor is necessary for their own support or that of their families.]

SEC. 10019. *Sanitation.*—Every factory, mill, or workshop where women, girls, or children are employed shall be kept clean and free from effluvia arising from any sewer, drain, privy, or water-closet; be properly ventilated and provided with privies or water-closets for the separate use of male and female employees, and at all times kept in a sanitary condition. Whenever the labor

performed is such as to require a change of clothing, separate dressing rooms shall be provided for the sexes.

SEC. 10020. *Cleaning.*—The interior of every factory and workshop in this State where women, girls, and children are employed shall be limewashed or painted at least once in every twelve months.

Every floor of any room in any such factory or workshop shall be thoroughly cleaned with soap and water at least once in two weeks and every dressing room and water-closet therein or connected therewith shall be thoroughly cleaned with soap and water once every week.

SEC. 10021. *Violation.*—[Violation is punishable by fine, $10 to $100, or imprisonment 30 days, or both.]

SEC. 10022. *Seats.*—Every employer of females or children in any mercantile, manufacturing, hotel, or restaurant business, and every agent in charge of any such business shall provide and maintain suitable seats in the room where they work, and permit such use thereof by them as may be necessary for the preservation of their health.

Commissioner of immigration

SECTION 10119. *Board continued.*—The State board of immigration, heretofore created, shall continue to be composed of three members; the governor, the secretary of State, and the commissioner of school and public lands, who shall serve as such without compensation. The governor shall be ex officio chairman of such board.

SEC. 10120. *Commissioner.*—Such board shall appoint a qualified elector of this State to be its general executive, who shall be officially known and styled commissioner of immigration. * * *

ACTS OF 1919

CHAPTER 134 (as amended 1923, ch. 122).—*Child welfare commission*

SECTION 1. *Organization.*—Three citizens of the State of South Dakota, two of whom shall be women, to be appointed by the governor to serve for terms of two years, shall constitute the child welfare commission, and each shall serve without compensation.

SEC. 2. *Duties.*—The child welfare commission shall * * * examine into the condition of children employed in the industries of this State and shall advise employers pertaining to the most favorable conditions for such labor in such employment; and shall enforce the laws of the State for the protection of children employed; * * * and shall biennially report its doings and recommendations to the governor, which report shall be published as are the reports of other State officers and boards.

SEC. 3. *Appropriation.*—There is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary in carrying out the purposes of this act during the ensuing biennium, to be paid upon the warrant of the auditor upon which [sic] vouchers duly approved by the chairman of the child welfare commission.

CHAPTER 190.—*Private employment offices*

SECTION 1. *License.*—[An annual license is required for each office, to be issued by the industrial commissioner, for which a fee of $10 must be paid.]

SEC. 2. *Bond.*—[A bond of $2,000 is required, conditioned on observance of the law. Licenses may also be revoked for violations.]

SEC. 3. *Canceling license.*—[Refusal of a holder to comply with lawful orders of the commissioner, or with his subpoena, or to permit inspection, authorizes cancellation of a license, not to be reissued for six months.]

SEC. 4. *Signs.*—[Signs, etc., may not be similar to those of the United States employment service.]

SEC. 5. *Register.*—[A register of placements and of fees charged must be kept; also a register of employers to whom workers are sent. Registers must be open to official inspection.]

SEC. 6. *Receipts.*—[Receipts must show name, address, and occupation of employees, fee charged, wages to be paid, name and address of employer, nature of employment, and whether a strike or lockout is known to exist. A copy must be kept on file, and one sent to the industrial commissioner.]

SEC. 7. *Registration.*—[No fee may be charged for registration. Monthly reports of registrations are required.]

SEC. 8. *Fees.*—[Fees may not exceed the sum scheduled by the commissioner. If employment is not obtained, through no fault of the applicant, the fee must, on demand, be returned; also actual expenses if the person was sent beyond the limits of the city.]

SEC. 9. *Dividing fees.*—[Dividing fees with any superintendent, etc., is forbidden; penalty, not less than $50 fine, or imprisonment not exceeding three months.]

SEC. 10. *Immoral resorts.*—[Knowingly sending any female help or servant to any place of bad repute is forbidden.]

SEC. 11. *False statements.*—[The making of false statements or false entries is forbidden.]

SEC. 12. *Enforcement.*—[The industrial commissioner is charged with the enforcement of the act.]

CHAPTER 259.—*Inspection of stone quarries*

SEC. 1. *Duty of inspector.*—[The inspector of mines is required to visit and inspect commercial stone quarries of the State, and the mining law of the State applies.]

CHAPTER 297.—*Payment of wages—Semimonthly pay day—Railroads*

SECTION 1. *Time of payment.*—[Public-service railroads must pay all employees semimonthly the wages up to the end of the half-month prior to payment, unless the employee is absent from his or her place of employment; then on demand. Wages may, however, be paid daily or weekly.]

ACTS OF 1920—SECOND EXTRA SESSION

CHAPTER 54.—*Free public employment offices*

SECTIONS 1–10. *Establishment, etc., of offices.*—[The State commissioner of immigration supervises free public employment offices at convenient points in the State, and may cooperate with cities and counties in the maintenance of the same. The commissioner may aid workmen in the collection of claims and their protection from frauds, extortions, etc. Employers or workmen may post notices in offices of the service as to strikes or lockouts affecting them, but not until submitted to the other party, who may also post a statement.]

CHAPTER 61.—*Conciliation of labor disputes*

SECTION 1. *Duty of industrial commissioner.*—[The industrial commissioner may offer his services as conciliator in any labor dispute. If conciliation fails, he may make an impartial investigation, report and recommendations, furnishing a copy to the parties and to the local newspapers for publication. At his option or on request of either party, he may call on two suitable citizens to aid in the work.]

ACTS OF 1923

CHAPTER 309.—*Minimum wage law*

SECTIONS 1–5. *Minimum rate established for females.*—[A minimum rate of $12 per week is fixed for women and girls over 14 in factories, workshops, mechanical and mercantile establishments, laundries, hotels, restaurants and packing houses, except apprentices and learners, but leave must be obtained within 10 days for their employment at lower rates. Permits may be issued for substandard workers. Agreements to work for a less wage are no bar to recovery of balances.]

TENNESSEE

THOMPSON'S SHANNON'S CODE—1918

Mine regulations

SECTIONS 338a–338a-12. *Inspectors.*—[These sections provide for the appointment of chief and district mine inspectors (see ch. 7, Acts of 1923), and prescribe their duties, powers, qualifications, etc. Technical and practical knowledge and experience are required. District inspectors must hold a class "A" foreman's certificate. Bond in the sum of $15,000 is required of the inspector and the district inspectors. Orders for the removal of dangerous conditions are to be issued and enforced and a record kept of the same. Three inspection districts are provided for. The right of inspection is enforceable by penalties.]

SECS. 338a-13–338a-17. *Classification.*—[These sections classify mines, requiring inspection at different periods, different amounts of ventilation, etc. The presence or absence of gas, dust, moisture, the number of men employed, and the nature of the mine (coal, metal, phosphate) are the bases of distribution in the 5 classes provided for.]

SECS. 338a-18–338a-43, 338a-44 (as amended 1919, ch. 168). *Safety provisions, etc.*—[These sections embody a code of regulations, requiring maps, prescribing operations in the various classes of mines, regulating the use of safety lamps, ventilation, exits, hoisting machinery, travel ways, blasting, dust prevention, etc. Foremen, assistant foremen, and fire or gas bosses must have certificates granted after examination. Certificates are of three classes, and may be revoked for cause after notice and hearing. Fees for inspection range from $10 where less than 10 men are employed to $100 in mines employing more than 300 men. Charges are made for each inspection, not more than 3 to be charged for per year.]

SECS. 338a-45–338-57. *Rescue stations.*—[Six rescue stations in the different parts of the mining area of the State are authorized, the equipment prescribed, the selection and training of rescue corps provided for, etc. Persons or corporations may secure apparatus and train men according to the standards fixed by law, and, if approved, these may be accepted as State stations.]

SECS. 338a-58–338a-60. *Illuminating oil.*—[These sections prescribe standards for oils used in the mines in lamps.]

SECS. 339–341. *Checkweighmen.*—[Miners in coal or other mines where payment is by weight or measure may employ a checkweighman or measurer, who shall be allowed to inspect operations, equipment, etc. On notice, operators must withhold an agreed amount from the pay of the miners as payment for such checkweighmen or measurers.]

Private employment offices

SECTION 712. *Fee.*—[An annual fee of $25 is provided for intelligence offices and employment agencies.]

Protection of employees as voters

SECTION 1166a-3. * * * *Inclosures in pay envelopes.*—It shall be unlawful for any employer, either corporation, association, company, firm, or person, in paying its, their, or his employees the salary or wages due them, to inclose their pay in "pay envelopes" on which there is written or printed any political mottoes, devices, or arguments, containing threats, express or implied, intended or calculated to influence the political opinions, views, or actions of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm, or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment, or place where its, their, or his employees may be working or may be present

in the course of such employment, any handbill, notice, or placard, containing any threat, notice, or information, that in case any particular ticket or candidate shall, or shall not be elected, work in its, their, or his establishment shall cease in whole or in part, or its, their, or his workmen be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their, or his employees. Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor; and any person, whether acting in his individual capacity or as an officer or agent of any corporation so guilty of such misdemeanor shall be punished as hereinafter prescribed. * * *

SEC. 1166a–5. *Use of force, violence, etc.*—It shall be unlawful for any corporation, or any officer or agent of any corporation, to influence or attempt to influence, by force, violence or restraint, or by inflicting or threatening to inflict any injury, damage, harm or loss, or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 1166a–10. *Penalty.*—* * * any corporation or agent of a corporation, guilty of any offense herein made a misdemeanor, shall, upon conviction, be punished by a fine not exceeding one thousand dollars. * * *

Employment of children—School attendance

SECTION 1461a–28. *Attendance required.*—[School attendance to 16 is required, unless the child is actively, regularly, and lawfully engaged in some useful employment.]

Protection of employees on street railways

SECTION 2411a–4. *Vestibules.*—[Street cars must be provided with vestibules for the protection of employees required to be on the front and outside of cars, the requirement running from November 1 to March 15 of each year.]

Private employment offices

SECTION 3608a–219. *License.*—[State licenses must be provided for the operation of employment agencies for profit, the fee ranging from $10 per annum for cities or towns of less than 5,000 inhabitants to $50 for those of 25,000 or more inhabitants. The license must be prominently posted in the place of business.]

SEC. 3608a–220. *Bond, etc.*—[The name of the agency must not be similar to that of any free employment office. A bond is required in the sum of $1,000 conditioned on the observance of the law.]

SEC. 3608a–221. *Register.*—[A register must be kept showing the name and address of the applicant and the nature of the employment sought, the same to be open to official inspection.]

SEC. 3608a–222. *Fraud, etc.*—[No female shall be sent to any home of ill repute; nor shall agencies publish any false advertisements or make any false promises or false entries in registers.]

SEC. 3608a–223. *Shipping workmen; receipts.*—[If workmen are sent to another locality, general conditions of employment must be given, especially as to the existence or not of any labor dispute.

Receipts must be given for all fees collected, showing amount, name of applicant, nature of employment sought, etc. If employment is not obtained in 10 days, the full amount of the fee must be returned.]

SEC. 3608a–224. *Return of fee.*—[Restates provision noted last above.]

SEC. 3608a–225. *Violations.*—[Penalties of fine or imprisonment or both are provided; also revocation of license, which may not be renewed for 3 months.]

SEC. 3608a–226. *Reports.*—[Quarterly reports, or monthly if requested, must be made to the department of workshop and factory inspection.]

Exemption of wages from execution

SECTION 3794. *Amount exempt.*—[Ninety per cent of wages or salary of $40 per month or less or $36 out of any larger monthly salary or wage shall be exempt from execution, etc., to any resident of the State who is 18 years of age or who is the head of a family; and no attachment or garnishment shall affect future earnings, but only such sums as are already earned.]

SEC. 3794a. *Earnings outside of State.*—[Wages earned and payable outside the State are exempt from attachment where the cause of action arose outside of the State.]

Contracts of employment

SECTION 4337. *Enticing employees forbidden.*—It shall not be lawful for any person in this State, knowingly, to hire, contract with, decoy or entice away, directly or indirectly, anyone, male or female, who is at the time under contract or in the employ of another; and any person[s] so under contract or employ of another, leaving their employ without good and sufficient cause, before the expiration of the time for which they were employed, shall forfeit to the employer all sums due for service already rendered, and be liable for such other damages [as] the employer may reasonably sustain by such violation of contract.

SEC. 4338. *Penalty.*—Any person violating the provisions of the first clause of the last section shall be liable to the party who originally had and was entitled to the services of said employee, by virtue of a previous contract, for such damages as he may reasonably sustain by the loss of the labor of said employee; and he shall also be liable for such damages, whether he had knowledge of an existing contract or not, if he fails or refuses to discharge the person so hired, or to pay such damages as the original employer may claim, after he has been notified that the person is under contract, or has violated the contract with another person, which amount shall be ascertained, and the collection enforced by action for damages before any justice of the peace of said county where said violation occurs, or the party violating said section may reside.

SEC. 4338½. *Fraud.*—Any person who shall misrepresent to any employees the amount of wages to which employee is to receive on entering into a new contract of employment or who shall fail to give a bond with good and solvent sureties to be filed with the judge or chairman of the county court of the county in which the contract of new employment is made, said bond to be in an amount sufficient to cover the difference in wages received by such employee at the time he is solicited to change his employment and the amount promised to such employee as wages in his new employment, also a good and solvent bond to protect the employer against any and all loss sustained through the removal of his employees by a fraudulent promise or contract shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $5 nor more than $250 or imprisoned in the county workhouse not less than thirty days nor more than six months, or both, in the discretion of the court.

SEC. 4338a. *Deceptive representations, etc.*—It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State by himself, themselves, his, its or their agents or attorneys, to induce, influence, persuade, or engage workmen to change from one place to another in this State or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State through or by means of false or deceptive representations, false advertising or false pretenses, concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike, or other trouble pending between employer and employees, at the time of or prior to such engagement.

SEC. 4338a–1. *Notice of strike.*—Failure to state in any advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor troubles at the place of the proposed employment, when in fact such strike, lockout or other labor troubles then actually exist at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.

SEC. 4338a–2. *Violations.*—[Penalty for violating the last above sections is a fine, not less than $500, or imprisonment not exceeding one year, or both.]

SEC. 4338a–4. *Damages.*—Any workman of this State, or any workman of another, who has or shall be influenced, induced, or persuaded to engage with any persons mentioned in section 1 of this act [Code, sec. 4338a], through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each such workman has sustained in consequence of the false or deceptive representations, false advertising, and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies, or associations, directly or indirectly, causing such damages, and in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix, to be taxed as costs in any judgment recovered.

Payment of wages

SECTION 4339. *Monthly pay day.*—All persons, firms, companies, or corporations engaged in constructing and building railroads, or in mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their laborers and employees the amounts due them for their work or service in lawful money of the United States, or by cash order as described and required in section 4342, and shall adjust accounts with their laborers and employers at least once in every thirty days.

SEC. 4340. *Provisos.*—If the employer and employee fail, in their adjustment, to agree upon the amount due the laborer, and the courts have to settle the question in controversy, the penalty herein provided shall not apply.

SEC. 4341. *Claim may be assigned.*—Nothing herein contained shall affect the right of such laborer or employee to assign, in whole or in part, his claim against his employer.

SEC. 4341a. *Assignments.*—[Wage assignments to be valid must have been assented to by the employer, in writing, at the time of execution.]

SEC. 4342. *Scrip to be redeemable.*—It shall not be lawful for any person, firm, company, or corporation engaged in the business set forth in section 4339, or for their clerk, agent, officer, or servant, to issue for payment of labor any order or other paper whatever, unless the same purports to be redeemable for its face value in lawful money of the United States, bearing interest at legal rate, made payable to employee or bearer, and redeemable by the person, firm, company, or corporation giving, making or issuing the same; and any person, firm, company, or corporation engaged in the business aforesaid, their clerks, agents, officers, or servants, who shall be guilty of a violation of section 4339 or this section, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not exceeding two hundred dollars and not less than fifty dollars in the discretion of the court.

The provisions of this law are valid. Knoxville Iron Co. *v.* Harbison, 183 U. S. 13, 22 Sup. Ct. 1.

SEC. 4342a. *Redemption.*—All persons, firms, corporations and companies using coupons, scrip, punch outs, store orders, or other evidences of indebtedness to pay their or its laborers and employees, for labor or otherwise, shall, if demanded, redeem the same in the hands of such laborer, employee, or bona fide holder in good and lawful money of the United States: *Provided*, The same is presented and redemption demanded of such person, firm, company or corporation using same as aforesaid, at a regular pay day of such person, firm, company or corporation to laborers or employees, or if presented and redemption demanded as aforesaid by such laborers, employees, or bona fide holders at any time not less than thirty days from the issuance or delivery of such coupon, scrip, punch out, store order, or other evidences of indebtedness to such employees, laborers or bona fide holder. Such redemption to be at the face value of said scrip, punch out, coupon, store order, or other evidence of indebtedness: *Provided, further*, Said face value shall be in cash the same as its purchasing power in goods, wares and merchandise at the commissary company store or other repository of such company, firm, person or corporation aforesaid.

SEC. 4342a–1. *Right of action.*—Any employee, laborer, or bona fide holder referred to in section 1 of this act, upon presentation and demand for redemp-

tion of such scrip, coupon, punch out, store order or other evidence of indebtedness aforesaid, and upon refusal of such person, firm, corporation or company to redeem the same in good and lawful money of the United States, may maintain in his, her or their own name an action before any court of competent jurisdiction against such person, firm, corporation or company using same as aforesaid for the recovery of the value of such coupon, scrip, punch out, store order or other evidence of indebtedness, as defined in section 1 of this act, and if plaintiff obtains judgment in such case, it shall include a penalty of 25 per cent, and a reasonable fee for the plaintiff's attorney for his services in the suit, all of which, as well as the costs, shall be taxed against the defendant.

SEC. 4342a-2. *Act construed.*—Nothing herein in this act contained is to be so construed as to legalize the issuance or use of scrip. * * *

This law is constitutional and has the same effect as to foreign corporations that it has upon those formed within the State. 22 Sup. Ct. 5.

An assignee of scrip may recover under its provisions and for face value, though he purchased it at a discount. 53 S. W. 955.

SEC. 4342a-2a. *Pay days established.*—All wages or compensation of employees in private employments shall be due and payable as follows, that is to say, all such wages or compensation earned and unpaid prior to the first day of any month, shall be due and payable not later than the twentieth day of the month following the one in which such wages were earned; and all wages or compensation earned and unpaid prior to the sixteenth day of any month, shall be due and payable not later than the fifth day of the succeeding month.

The words "private employment" used in this act shall mean and include all employments except those under the direct management, supervision and control of the State of Tennessee, any county, incorporated city or town, or other municipal corporation or political subdivision of the State of Tennessee, or any officer or department thereof.

But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semimonthly: *Provided*, That this act shall apply only to private employments where twenty or more employees are employed.

SEC. 4342a-2a1. *Notice to be posted.*—Every employer shall establish and maintain regular pay days as herein provided, and shall post and maintain notices, printed or written in plain type or script, in at least two conspicuous places where said notices can be seen by the employees as they go to and from the work, setting forth the regular pay day as herein prescribed.

SEC. 4342a-2a2. *Payment in money.*—The payment of wages or compensation of employees in the employments defined herein, shall be made in lawful money of the United States or by a good and valid negotiable check or draft, payable on presentation thereof, at some bank or other established place of business without discount, exchange or cost of collection in lawful money of the United States, and not otherwise.

SEC. 4342a-2a3. *Absent employees.*—In case an employee in any such employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided, he shall be paid the wages or compensation within a reasonable time after making a demand therefor.

SEC. 4342a-2a4. *Violations.*—Every person, partnership or corporation willfully failing or refusing to pay the wages of any employee at the time and in the manner provided in this statute shall forfeit to the State of Tennessee the sum of twenty-five ($25) dollars for each and every such failure or refusal, and suits for penalties accruing under this act shall be brought in any court having jurisdiction of the amount in the county in which the employee should have been paid, or where employed. Such suit shall be instituted at the direction of the chief of the department of workshop and factory inspection by the district attorney general, or under his direction, for the county or district in which suit is brought.

SEC. 4342a-2a5. *Enforcement.*—The department of workshop and factory inspection shall enforce the provisions of this act.

Factory, etc., regulations

SECTIONS 4342a-25, 4342a-26. *Seats for females.*—[These sections require, under penalty, that employers of females in any factory, mercantile estab-

lishment, mill, or workshop in the State "shall provide a suitable seat for each female employee" and permit the use of the same when it will not actually and necessarily interfere with the proper discharge of duty.]

SECS. 4342a-27–4342a-29. *Water-closets.*—[These sections require, under penalty, employers of females in any manufacturing or mercantile establishment to provide them with separate water-closets.]

SECS. 4342a-29a-1. *Shower baths required.*—It shall be the duty of all owners, proprietors, and operators of foundries employing twelve or more men to provide shower baths, with hot and cold water, for the use of their employees, and also to provide and furnish their employees comfortable dressing rooms, with heat when necessary to dry clothing and lockers in which their employees may hang their clothes.

SEC. 4342a-29a-2. *Violations.*—[Violations are punishable by fine of $5 to $50.]

SEC. 4342a-30. *Fire escapes required.*—Every mechanical or mercantile establishment or factory or workshop or laundry or mill or manufacturing or other places wherein labor is performed, on or above the second floor now or hereafter erected, which is two or more stories in height and in which twenty-five or more operators or employees shall be at work, on or above the second floor, shall be provided with outside iron fire escapes as hereinafter provided. The fire escape shall be located at such place on the said buildings as may be best suited for the purpose intended or as the chief inspector of factories designates in writing, and shall take in one or more windows on each floor above the first floor. Fire escapes may project into the highway to a distance not greater than four feet beyond the building line.

SECS. 4342a-31–4342a-33. *Factories; type of fire escape.*—[Factories and mills, etc., where goods of any kind are manufactured, which are three or more stories in height, must be equipped with fire escapes as above. Balconies not less than three feet in width and drop ladders from the lower one are prescribed. Numbers of escapes must correspond to the number of employees. Pitch of stairways is regulated.]

SECS. 4342a-34–4343a-41. *Details of construction, etc.*—[These sections prescribe materials to be used, thickness, size, modes of erection, the dimensions of platforms, ladders, etc. Erection is at the expense of landlord, and all parts must be properly painted.]

SEC. 4342a-42. *Inspection.*—[The chief inspector of factories and workshops may order the erection of new or additional fire escapes or changes or alterations in the same.]

SEC. 4342a-43. *Violations.*—[Noncompliance may be punished by a fine of $100 and $10 additional for each day after the time fixed for compliance.]

Employment of children

SECTION 4342a-44. *Age; night work.*—[No child under 14 may be employed in or about any mill, factory, workshop, cannery, laundry, telegraph, or telephone office, or in messenger or delivery service; nor may any child under 16 be employed in such occupations between 6 p. m. and 6 a. m. See sec. 4342a-47.]

SEC. 4342a-45. *School attendance.*—[No child under 14 may be employed in any occupation whatever which interferes with his school attendance.]

SEC. 4342a-46 (as amended 1921, ch. 431). *Dangerous occupations.*—[Children under 16 may not be employed in enumerated dangerous factory operations or in mines or quarries. For similar list see Delaware Code, secs. 3145, 3148. No minor may be employed in the occupations named in this section unless the employer has on file a certificate showing him to be 16 years of age, based on the same evidence as required in sec. 4342a–48.]

SEC. 4342a-47. *Hours of labor; night work.*—[No child under 16 may be employed in the places, etc., named in sec. 4342a-44 more than 8 hours per day or more than 6 days per week or between 7 p. m. and 6 a. m. (See sec. 4342a-44.) Nor may a minor under 18 be employed in messenger or delivery service between 10 p. m. and 5 a. m.]

SEC. 4342a-48. *Certificates.*—[Children 14 to 16 who may lawfully be employed must have certificates of age, based on records or on a certificate signed by two physicians, one of whom must be a health officer or medical inspector.]

SEC. 4342a-49. *Violations.*—[Penalties are provided for employers and for parents or guardians who violate the provisions of this law.]

Employment of women and children

SECTION 4342a-51. *Scope of law.*—The terms "workshops and factories" as used in this act shall include the following:

Manufacturing, mills, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph, and telephone offices, department stores, or any kind of an establishment wherein labor is employed or machinery is used: *Provided*, That domestic service and agricultural pursuits are hereby excluded.

SEC. 4342a-52. *Work time.*—It shall be unlawful for any proprietor, foreman, owner, or other person to employ, permit, or suffer to work in, about, or in connection with any workshop or factory in the State of Tennessee, any female or any child under sixteen years of age in excess of fifty-seven hours in any one week or more than ten and a half hours in any one day; *Provided*, That ten and a half hours per day will be permitted only for the purpose of providing for one short day in the week.

SEC. 4342a-53. *Violation.*—[Violation is punishable by fine of not less than $25 nor more than $100 for each offense.]

SEC. 4342a-54. *Schedule of hours.*—Every proprietor, foreman, owner, or other person in charge of any industry specified in sections one and two of this act [Code, secs. 4342a-51, 4342a-52], shall post, or cause to be posted, in a conspicuous place in the workroom or place of employment where persons affected by this act are employed, a printed or written notice, setting forth therein the hours of commencing and leaving work, the time allowed for meals or other intermissions, and the maximum number of hours any female or child under the age of sixteen be permitted to work in any one day or in any one week. And in the event any proprietor, foreman, owner, or other person shall operate a business which runs at night, he shall specify in said notice the hours of work on the night shift, giving the number of hours each female or child under the age of sixteen years is permitted to work on such night shift.

SEC. 4342a-55. *Evidence of violation.*—The failure on the part of any proprietor, foreman, owner, or other person in charge of any industry named in sections one and two of this act [Code, secs. 4342a-51, 4342a-52], to post, or cause to be posted, within sixty days after date of the passage of this act, and to keep posted said notices as provided in section 4 [Code, sec. 4342a-54], shall be prima facie evidence of the violations of sections one and two of this act.

SEC. 4342a-56. *Records.*—Every proprietor, foreman, owner, or other person mentioned in the foregoing sections of this act shall keep, or cause to be kept, a record, showing the length of time each and every female or child under sixteen years has worked each day and the number of hours worked in each week; and such record shall be open for inspection at all reasonable hours to the department of workshop and factory inspection.

SEC. 4342a-57. *Enforcement.*—The State department of workshop and factory inspection shall be charged with the duty of enforcing the provisions of this act and prosecute all violations thereof.

SEC. 4342a-58. *Exclusions.*—[This section excludes fruit and vegetable canneries from the foregoing provisions.]

Factory, etc., regulations—Tenements

SECTION 4342a-59. *Manufactures forbidden.*—No room or rooms, apartment or apartments in any tenement or dwelling house used for catering [eating] or sleeping purposes, shall be used for the manufacture for sale in whole or in part, of coats, vests, trousers, knee pants, overall[s], cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars and all wearing apparel except by the immediate member of the family living therein.

SEC. 4342a-60. *Sanitation, etc.*—Every such workshop shall be kept in a cleanly state and shall be subject to the provisions of this act; and each of said articles made, altered, repaired or finished in any such workshops shall be subject to examination and inspection as hereinafter provided for the purpose of ascertaining whether said articles or any of them or any part thereof are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person so occupying or having control of any workshop aforesaid, shall within fourteen days from the taking effect of this act, or from the time of beginning of work in any workshop as aforesaid, notify

the board of health of the location of such workshops, the nature of the work there carried on, and the number of persons therein employed.

Sec. 4342a-61. *Presence of diseases.*—If the board of health of any city or said chief inspector or [of] workshops and factories or his deputies find evidence of infection or contagious diseases present in any workshop or in goods unmanufactured, or in the process of manufacture therein, and said board or chief inspector or deputies shall issue such order or orders as the public health may require, the board of health are hereby enjoined to condemn or disinfect all such infections [infectious] and contagious articles.

Sec. 4342a-62. *Goods, etc., brought into State.*—Whenever it will [shall] be reported to said chief inspector of workshops and factories or to the board of health or to either of them, that coats, vests, trousers, knee pants, overalls, cloaks, skirts, ladies' waists, purses, feathers, artificial flowers, or cigars are being transported to this State, having been previously manufactured in whole or in part under unhealthy conditions, said chief factory inspector or deputies shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any part of them are found to contain vermin or to have been made in improper places, or under unhealthy conditions he shall make report thereof to the board of health, which board shall thereupon make such order or orders as the public health require; and the board of health are [is] hereby empowered to condemn and disinfect all such articles.

Sec. 4342a-63. *Definitions.*—The words "manufacturing establishment or factory or workshop" whenever used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, cleaned, or sorted in whole or in part, for sale or for wages. Whenever any house, room, or place is used for the purpose of carrying on any process of making, altering, repairing, or finishing, for sale or for wages, any coats, vests, trousers, knee pants, overalls, cloaks, shirts, waists, purses, feathers, artificial flowers, or cigars or any wearing apparel of any kind whatsoever, intended for sale, shall within the meaning of this act be deemed a workshop for the purpose of inspection.

Sec. 4342a-64. *Lists of shops.*—And it shall be the duty of every person, firm, or corporation to keep a complete list of all such workshops in his or their employ and such list shall be produced for inspection or on demand by the board of health or any of the officers thereof, or by the chief inspector of workshops and factories or any of his deputies.

Sec. 4342a-65. *Violations.*—Any firm, person, or corporation who fails to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Reports of accidents

Section 4342a-66. *Reports required.*—It shall be the duty of every firm, corporation, or individual employing labor in any workshop or factory in the State of Tennessee to make or cause to be made to the department of workshop and factory inspection, within three days after it shall occur, a report of each and every accident happening in, about, or in connection with such workshop or factory, where such accident might have resulted in bodily injury or death to any employee or person connected with such workshop or factory, setting forth in such report the nature of the business in which such employee is engaged in, the time, place, and nature of the accident, and the kind of machinery, if machinery caused the accident.

Sec. 4342a-67. *Accidents causing death.*—It shall be the duty of every firm, corporation, or individual employing labor in any workshop or factory in the State of Tennessee to make or cause to be made to the department of workshop and factory inspection, within ten days after it shall occur, a report of each and every accident happening to any person in, about, or in connection with such workshop or factory, which accident resulted in death or bodily injury of such a nature that the injured person does not return to his or her employment within seven days after the occurrence of such accident, setting forth in such report the nature of the business in which such employee is engaged, the time, place, and nature of the accident, the name, address, sex, age, and nature of employment of the person killed or injured, and whether such person is married or single, and, if married, the number of persons dependent upon the injured person for support, together with a statement of how the accident occurred, and, if such accident was caused by machinery, the kind of machinery used.

SEC. 4342a–68. *Report on request.*—It shall be the duty of every firm, corporation, or individual employing labor in workshop or factory in the State of Tennessee to make a full and detailed report, in addition to the information required to be furnished in sections one and two of this act, upon written request of the chief inspector of the department of workshop and factory inspection, furnishing him any information which such chief inspector may demand.

SEC. 4342a–69. *Reports not evidence.*—No report herein required to be made, or any part thereof, shall be admitted in evidence or referred to at the trial of any action or any judicial proceedings whatsoever.

SEC. 4342a–70. *Violations.*—[Penalties for violations are fines of $50 to $100 for first offense, and $100 to $200 for second and subsequent offenses.]

SEC. 4342a–71. *Definition.*—The term "workshop and factories" as used in this act shall include the following: Manufacturing mills; mechanical, electrical, mercantile, art, and laundering establishments; printing, telegraph, and telephone offices; department stores; or any kind of an establishment wherein labor is employed or machinery used.

SEC. 4342a–72. *Record.*—The chief inspector of the department of workshop and factory inspection shall compile and make a permanent record of the information obtained by virtue of this act.

SEC. 4342a–73. *Expense.*—The sum of five hundred dollars per annum, or as much thereof as may be necessary, is hereby appropriated for the expense incurred in collecting, compiling, and reporting this information, said expenses to be itemized, evidenced by voucher, and sworn to, which vouchers shall be paid by the comptroller of the State of Tennessee upon the request of the chief inspector of the department of workshop and factory inspection.

SEC. 4342a–74. *Blanks.*—It shall be the duty of the chief inspector of the department of workshop and factory inspection to prepare and furnish, free of charge, to any person, upon application, or printed forms, which, when filled out, will set out the facts required by this act.

Protection of employees in choice of physicians

SECTION 6879. *Restriction as to employment of physicians.*—It shall be unlawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents in this State, to dictate or in any manner interfere with any employee or laborer in their rights to select their own family physician.

SEC. 6880. *Company doctor.*—It shall be unlawful for any such manufacturer, firm company, or corporation, their agents, clerks, or superintendents, to retain or withhold any part or portion of the wages due to any such employee or laborer for the avowed purpose of paying the salary of any person claiming to be the "company doctor" without the full consent of such employee or laborer; and the whole amount of any such wages so retained by consent shall be paid to said company doctor or other physicians employed by said employees.

SEC. 6881. *Penalty.*—Any agent, clerk, or superintendent of any such firm, company, or corporation violating the provisions of this article, shall be guilty of a misdemeanor, and, upon conviction in any of the courts of the State having jurisdiction, shall be fined not less than ten dollars.

Protection of employees as traders—Company stores

SECTION 6882. *Withholding wages.*—It shall not be lawful for any manufacturer, firm, company, or corporation, their agents, clerks, or superintendents, in this State who own or control a store for the sale of general store goods or merchandise in connection with their manufacturing or other business, to attempt to control their employees or laborers in the purchase of store goods and supplies at the aforesaid store, by withholding the payment of wages longer than the usual time of payment, whereby the employee would be compelled to purchase supplies at said manufacturer's, firm's, company's, or corporation's store.

SEC. 6883. *Misdemeanor; fine.*—Any manufacturer, firm, company, or corporation offending against the provisions of the last section, the same shall be a misdemeanor, and, on conviction in any court having jurisdiction thereof, fined not exceeding fifty dollars.

Provisions for accidents in mines

SECTION 6888a. *Equipment required.*—Every operator of a coal mine in this State shall provide and keep in a convenient place, at or near the mouth of said mine, and in a room where the same shall be well protected, a suitable stretcher, bandages, dressings, and medicines for the first aid to the injured in and about said mine. The supplies to be furnished by the operator under this section shall be the same or equivalent to those recommended in such cases by the first aid department of the American Red Cross Society.

SEC. 6888a-1. *Violations.*—Every operator of a coal mine in this State who shall violate the section 6888a shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

Tips to employees of hotels, etc.

SECTION 6888a–31. *"Tipping" prohibited.*—It shall be unlawful in this State for any hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company to willfully allow any person in its employ to receive any gratuity, commonly known as a "tip," from any patron or passenger, and it shall be unlawful for any patron of any hotel, restaurant, café, barber shop, dining car, or any passenger on any railroad train or sleeping car to give any employee any such gratuity, and it shall be unlawful for any employee of any hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company to receive any gratuity or tip.

SEC. 6888a–32. *Definition.*—By "gratuity" or tip, as used in this act, is meant any extra compensation of any kind which any hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company, or the manager, officer, or any agent thereof, in charge of same, allows to be given an employee or which any person gives to any employee, or which is received by any employee, and is not a part of the regular charge of the hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company for the thing bought or service rendered, or a part of the service which by contract it is under duty to render. No hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company shall evade this act by adding to the regular charge, directly or indirectly, anything intended for or to be used or to be given away as a gratuity or tip to the employee. All charges made by the hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company must be made by it in good faith, a charge for the service which it renders, exclusive of the service which it furnishes to its employees.

SEC. 6888a–33. *Notices to be posted.*—Each hotel shall post notice of this act in the office and in each room, and each restaurant, café, and barber shop shall post at least two notices of this act in two conspicuous places in same, and each dining car, railroad or sleeping-car company doing business within this State, shall post two notices of this act in conspicuous places in each sleeping car, and each café, hotel or dining-car operator shall have printed in a conspicuous place on their menu cards or bills of fare the synopsis of the provisions of this act.

SEC. 6888a–34. *Violations.*—Any hotel, restaurant, café, barber shop, dining car, railroad or sleeping-car company, and the manager, officer, or agent of same in charge, violating this act or willfully allowing the same to be violated in any way shall each be subject to a penalty of not less than ten dollars nor more than fifty dollars for each tip allowed to be given. If any person shall give an employee any gratuity or tip, each person shall be subject to a fine of not more than twenty-five dollars nor less than five dollars for each offense. If any of the above employees shall receive any gratuity or tip, he or she shall be subject to a fine of not more than twenty-five dollars nor less than five dollars for each offense. Should any hotel, restaurant, café, barber shop, dining car, railroad company, or sleeping-car company fail, neglect, or refuse to post notice of this act as required herein, such hotel, restaurant, café, barber shop, dining car, railroad or sleeping-car company shall be subject to a fine not to exceed one hundred dollars for each day it shall fail.

ACTS OF 1919

CHAPTER 110.—*Factory, etc., regulations—Inspector*

SECTION 3. *Qualifications.*—The chief inspector of workshops and factories shall be a competent and practical mechanic of not less than 5 years of practical experience, and shall give his entire time and attention to the duties of his office. He shall enforce the provisions of all laws relating to workshops and factories and prosecute violations thereof, and shall enforce the provisions of all other laws which have heretofore, by statutory provisions, been enforced by the department of workshop and factory inspection of the State of Tennessee, and shall perform such other duties as are required of him by law. Each male deputy inspector of workshops and factories shall be a competent and practical mechanic and each deputy inspector must devote his or her whole time and attention to the duties of the office.

SEC. 4. *Districts.*—The chief inspector of workshops and factories, under the direction of the chief mine inspector, shall divide the State into districts and make such assignments of deputy inspectors therein as they may see fit, and prescribe such rules and regulations for their government as the service may require. Each deputy inspector of workshops and factories shall visit the shops and factories of the district assigned to him as often as practicable, see that the laws relating to workshops and factories are enforced, performing such other duties pertaining to the department of workshops and factory inspection as the chief inspector may direct.

SEC. 5. *Inspection.*—Each deputy inspector of workshops and factories assigned to a district for the inspection of workshops and factories therein shall carefully inspect the sanitary conditions, systems of sewerage, situation and condition of water-closets, systems of heating, lighting, and ventilating rooms where persons are employed at labor, and means of exit in case of fire or other disasters within, or connected with, such workshops and factories. They shall examine the belting, shafting, gearing, elevators, drains, and machinery in and about such workshops and factories, and see that they are not so located as to be dangerous to employees when engaged in their ordinary duties, and as far as practicable, securely guarded; that they shall see that each vat, pan, or structure, filled with molten lead or hot liquor is surrounded by proper safeguards for preventing accident or injury to persons employed at or near them. For the purpose of inspection or examination required of them by law, the chief inspector of workshops and factories, and each deputy inspector, at reasonable hours may enter any workshop or factory in the State.

SEC. 6. *Records.*—The inspector shall make an accurate record of all examinations and inspections of the workshops and factories inspected by each, showing the date inspected, the condition in which such workshops or factories are found, the extent to which laws relating thereto are observed or violated, the progress made in the improvement of the workshops and factories, and the conditions to insure the preservation of life and health by the provisions of this act and other laws, the enforcement of which are under the direction of the bureau of workshops and factory inspection, the number of accidents or injuries received in and about such workshops and factories, with full details of each, the number of men, women, and children employed in and about such workshops and factories, the number of shops and factories in the district of each inspector, together with all other facts and information of public interest concerning the condition of the workshops and factories of the State. The data thus collected shall be forwarded to the office of the chief factory inspector on the blanks prepared for that purpose on or before the third day of each month or as the chief factory inspector may require, covering the work of the previous month. The chief mine inspector shall make a complete record of such inspections and shall forward to the Comptroller of the Treasury each month a report showing all workshops and factories inspected by the various inspectors during the previous month, the number of persons employed in each, and the inspection fee to be collected by the comptroller for the inspection of each. The chief mine inspector shall make an annual report to the governor as soon as practical after the close of each calendar year, in which shall be included all data collected under the provisions of this section, with such other information as may be deemed of public interest.

SEC. 7. *Authority.*—In the performance of his duties pertaining to his office, the chief inspector of workshops and factories, and each of the deputy inspectors, shall have the authority of a notary public to administer oaths and take affidavits in the administration of the duties thereof, and any false swearing shall be deemed perjury and punishable as such.

SEC. 8. *Scope.*—The term "workshops and factories," as used in this act, shall include the following: Manufacturing, mills, mechanical, electrical, mercantile, art, and laundering establishments; printing, telegraph, and telephone offices, department stores, or any kind of establishment wherein labor is employed or machinery used.

SEC. 9. *Ventilation.*—Every factory, workshop, association, or other establishment in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to become injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, as far as practicable, all gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein.

SEC. 10. *Fans, etc.*—Every factory, workshop, association, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are produced or generated, that are liable to be inhaled by persons employed therein, the person, firm, or corporation by whose authority the said work or process is carried on shall cause to be provided and used in said workshop, factory, association, or establishment, exhaust fans, conveyors, receptacles, or blowers with pipes and hoods extending therefrom to each machine, contrivance, or apparatus by which dust, filaments, or injurious gases are produced or generated; or provide other mechanical means to be maintained for the purpose of carrying off or receiving and collecting such dust, filaments, devitalized air, or other impurities as may be detrimental to the health of those in, about, or in connection with such place as herein mentioned: *Provided*, That if natural ventilation sufficient to exclude the harmful elements above enumerated be provided, the requirement of this section shall have been complied with by such firm, corporation, association, or other establishment as herein mentioned. Said fans, blowers, pipes, and hoods shall be properly fitted and adjusted and of power and dimensions sufficient to effectually prevent the dust, filaments, or injurious gases produced or generated by said machines, contrivances, or apparatus from escaping into the atmosphere of the room or rooms of said factory, workshop, or other establishment where persons are employed.

SEC. 11. *Air space.*—Not less than two hundred and fifty (250) cubic feet of air space shall be provided for each employee or operative at work in a room or place within the meaning of this act between the hours of six o'clock in the morning and the hours of six o'clock in the evening, and not less than four hundred (400) cubic feet of air space for each person so employed between the hours of six o'clock in the evening and six o'clock in the morning.

SEC. 12. *Fire protection.*—In places of amusement wherein five or more employees are engaged in duties that appertain thereto, the owners, managers, proprietors, or other persons in charge, shall provide that such places shall be well ventilated and that adequate and sufficient fire protection shall be maintained, and that all exit doors of such amusement places shall be opened outward wherein in addition to the said five employees fifty or more patrons might be congregated.

SEC. 13. *Work in tenements, etc.*—No person shall hire, employ, or contract with another to manufacture, alter, repair, or finish any article in any room, apartment, or tenement unless said room, apartment, or tenement shall be well lighted and ventilated and shall contain at least five hundred (500) cubic feet of air space for every person working therein: *Provided*, That where children under the age of sixteen years live in such room, apartment, or tenement, they shall not engage in any work above specified without first obtaining a permit so to do from the bureau of workshop and factory inspection.

SEC. 14. *Wages.*—The chief or deputies of the bureau of workshop and factory inspection shall have authority to ascertain the average week by [weekly] wages of all employees other than officers, and that the failure or refusal on the part of any manager, owner, foreman, or other person in charge of any industry under inspection or investigation to furnish such information or answer any question pertaining to any inspection or investigation, shall constitute a violation of this act, and said manager, owner, foreman, or other person found guilty thereof shall be punished as provided for herein.

SEC. 15. *Violation.*—[Violation entails a fine of not less than $50 nor more than $100, and $5 per day additional for continued violation.]

SEC. 16. *Removing guards, etc.*—No person shall remove or make ineffective any safeguard around or attached to any machinery, vats, pans, or apparatus, except for the purpose of making repairs thereon, and all safeguards so removed shall be replaced promptly: *Provided*, When the machine or any part thereof is found to be in dangerous condition a notice shall be attached thereto, and such notice shall not be removed until the machinery is made safe, and the required safeguards are provided, and in the meantime, such unguarded or dangerous machinery shall not be in use.

ACTS OF 1921

CHAPTER 24.—*Mine regulations—Washhouses*

SECTIONS 1-6. *Who to supply; construction, care, etc.*—[Owners or others in charge of any coal mine or mines employing 50 or more persons must provide a suitable and convenient building, equipped with lockers or hangers, benches, light, heat, hot and cold water, and shower baths; floors to be of cement or concrete in the bath rooms. Employees furnish their own towels, soap, and locks, and are responsible for property left in the washhouse. Failure to comply with this act involves a fine, not less than $50 nor more than $100 for each offense, each day's violation constituting a separate offense. Injury to property is penalized by fines, $25 to $50. Separate accomodations must be furnished for whites and blacks, in the discretion of the chief mine inspector, who is charged with the enforcement of this act.]

CHAPTER 29.—*Garnishment of wages of municipal employees*

SECTION 1. *May be garnished.*—[This act provides for subjecting to garnishment the wages or other sums due employees of any county or municipality of the State, with such exemptions as are allowed employees of private employers.]

CHAPTER 171.—*Railroads—Height of wires over tracks*

SECTIONS 1-5. *Powers of commission.*—[This act requires compliance with the regulations of the railroad and public utilities commission for preventing accidents from the wires over railroad tracks. Present installations must be made to conform to such regulations. Penalties for violation are fine or imprisonment, or both.]

ACTS OF 1923

CHAPTER 7.—*Administrative officials*

Department of labor

SECTION 55. *Powers.*—The department of labor shall have power:

1. To exercise all the rights, powers, and duties vested by law in the chief mine inspector, the mining statistician, the district mine inspectors, and their assistants and employees;

2. To exercise all the rights, powers, and duties vested by law in the workshop and factory inspector, his deputies, assistants, and employees;

3. To supervise the administration of the workmen's compensation law;

4. To inspect hotels now under the supervision of the food and drug inspector;

5. To collect information on the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity;

6. To visit and inspect during reasonable hours all shops, factories, and mercantile establishments and other places where workmen are employed as often as necessary, and to cause the provisions of law to be enforced therein;

7. To inspect the sanitary conditions, system of sewerage, system of heating, lighting, and ventilating of rooms where persons are employed at labor, and the means of exit in case of fire or other disaster within or connected with shops and factories;

8. To examine the machinery in and about workshops and factories to see that it is not located so as to be dangerous to employees when engaged in their ordinary duties;

9. To declare and prescribe what safety devices, safeguards, or other means of protection are well adapted to render employees or places of employment safe;

10. To order such reasonable changes in the construction, maintenance, and repair of places of employment as shall render them safe;

11. To require the performance of any act necessary for the protection of life, health, and safety of employees;

12. To collect and compile reliable data, which, if disseminated, would tend to the development of the State by inducing population and capital to come within its borders.

SEC. 56. *Divisions.*—The department of labor shall be organized under four divisions, as follows:

1. The division of mines, the head of which shall be the chief mine inspector;

2. The division of factory inspection, the head of which shall be the chief factory inspector;

3. The division of fire prevention, the head of which shall be the State fire marshal;

4. The division of workmen's compensation, the head of which shall be the superintendent of workmen's compensation.

The commissioner of labor shall act as the head of the division of fire prevention, or the division of factory inspection, or the division of mines: *Provided*, That no additional compensation shall be paid the commissioner for acting as head of one of the divisions. In case said commissioner of labor shall act as head of the division of mines, he shall be a person thoroughly conversant with the theory and practice of coal mining, but who is not identified with either coal operators or coal miners.

TEXAS

CONSTITUTION

ARTICLE 3.—*Labor organizations—Provisions of constitution*

SECTION 56. *Local laws forbidden.*—The legislature shall not, except as otherwise provided in this constitution, pass any local or special law, * * * regulating labor, trade, mining, and manufacturing; * * *

ARTICLE 16.—*Exemption of wages from garnishment*

SECTION 28. *Current wages exempt.*—No current wages for personal service shall ever be subject to garnishment.

REVISED CIVIL STATUTES—1911

Arbitration of labor disputes—Boards of arbitration

ARTICLE 71. *Arbitration lawful.*—Whenever any grievance or dispute of any nature, growing out of the relation of employer and employees, shall arise or exist between employer and employees, it shall be lawful, upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five persons. When the employees concerned in such grievance or dispute, as the aforesaid, are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators, and the employer shall have the power to designate two others of said arbitrators; and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employees concerned in any such grievance or dispute, as aforesaid, are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute, as aforesaid, are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board; and said board shall be organized as hereinbefore provided: *Provided*, That when the two arbitrators shall have been selected by each of the respective parties to the controversy, the district judge of the district having jurisdiction of the subject matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

ART. 72. *Procuring license.*—Any board, as aforesaid selected, may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition, it shall be the duty of said judge, if it appear that all requirements of this law have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication, and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

ART. 73. *Different labor organizations.*—When a controversy involves and affects the interests of two or more classes or grades of employees belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employees shall be agreed upon and selected by the concurrent action of all such labor organi-

zation and a majority of such individuals who are not members of a labor organization.

ART. 74. *Submission of claims.*—The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employees, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employees dissatisfied with the award shall not, by reason of such dissatisfaction, quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days' written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation; and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

ART. 75. *Organization.*—The arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business, it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

ART. 76. *Powers.*—The chairman shall have power to administer oaths and to issue subpœnas for the production of books and papers and for the attendance of witnesses, to the same extent that such power is possessed by the court of record, or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein [hear and] examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

ART. 77. *Powers cease, when.*—When said board shall have rendered its adjudication and determination, its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in article 71, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

ART. 78. *Status quo to be maintained.*—During the pendency of arbitration under this chapter it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employees parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employees to order, nor for the employees to unite in, aid, or abet strikes or boycotts against such employer or receiver.

ART. 79. *Compensation.*—Each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten days, and traveling expenses not to exceed five cents per mile actually traveled in getting to, or returning from, the place where the board is in session. The fees of witnesses of the aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to, and returning from, the place where attendance is required by the board. All subpœnas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same. And the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to said arbitration,

as the board of arbitrators may deem just, and shall constitute part of their award; and each of the parties to said arbitration shall, before the arbitrators proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties, in an amount to be fixed by the board of arbitration, conditioned for the payment of all expenses connected with the said arbitration.

ART. 80. *Award.*—The award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employees or their duly authorized representative. The award, being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record; in which case said award shall go into practical operation, and judgment shall be rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom.

ART. 81. *Entry of judgment.*—At the expiration of ten days from the decision of the district court, upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the court of civil appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said court of civil appeals upon said questions shall be final, and being certified by the clerk of said court of civil appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award: but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award.

Exemption of wages from garnishment

ARTICLE 306. *Current wages exempt.*—No current wages for personal service shall be subject to garnishment; and where it appears upon the trial that the garnishee is indebted to the defendant for such current wages, the garnishee shall nevertheless be discharged as to such indebtedness.

Labor organizations—Incorporation

ARTICLE 1120. *Who may incorporate.*—Private corporations may be created by the voluntary association of three or more persons for the purposes and in the manner hereinafter mentioned.

ART. 1121. *Purposes.*—The purposes for which private corporations may be formed are:

* * * * * * *

48. The organization of laborers, workingmen, wage earners, and farmers to protect themselves in their various pursuits.

* * * * * * *

Safety of employees—Bands, ties, etc., of cotton bales

ARTICLE 1322. *Requirements as to bands, ties, etc.*—Every person, firm, corporation, or association of persons owning or operating a compress in this State, and their agents and employees, are hereby required, in compressing, recompressing, baling, or rebaling cotton bales, to so bind and tie every bale of cotton by them compressed, recompressed, baled, or rebaled that no such bale shall be delivered to any railroad company, or other common carrier, by such person, firm, corporation, or association of persons, their agents or employees, unless such bale of cotton shall be free from all or any dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part of the ties, bands, buckles, or splices used in tying or binding such bale of cotton. And any such person, firm, corporation, or association of persons who shall fail to bind or tie any bale of cotton by them compressed, recompressed, baled, or

rebaled in the manner above provided and shall deliver, or cause to be delivered, any such bale of cotton to any railroad company, or other common carrier, such person, firm, corporation, or association of persons shall forfeit and pay to the State of Texas the sum of not less than fifty dollars nor more than two hundred and fifty dollars, which may be recovered in a civil suit brought in the name of the State of Texas in a court of competent jurisdiction.

ART. 1323. *Liability.*—Any person, firm, corporation, or association of persons receiving for storage, loading for transportation, or transporting any such compressed bale or bales of cotton in this State containing any dangerously exposed ends of bands or buckles, or any dangeronsly protruding part or parts of the ties, bands, buckles or splices used in tying or binding such bale or bales of cotton, shall be liable in damages for injury to any person in the employ of such person, firm, corporation, or association of persons occasioned by reason of such dangerously exposed ends of bands or buckles, or any dangerously exposed or protruding part or parts of the ties, bands, buckles, or splices used in tying or binding such bale or bales of cotton, while in the discharge of the duties of such employment. The duty of inspection of such bales of cotton shall be on the employer and not on the employee.

ART. 1324. *Enforcement.*—It shall be especially the duty of the commissioner of labor and his deputies to see that the provisions of articles 1322 and 1323 hereof are observed and enforced; and, in pursuance thereof, he shall obtain and collect evidence of all violations of said provisions upon the part of persons, firms, corporations, and associations of persons engaged in the business of compressing cotton who shall fail to comply with the said provisions. The commissioner of labor shall file annual statements with the governor, showing in detail all expenses incurred by him in connection with his duties under this act.

Suits against railroad companies

ARTICLE 1830. *Venue.*—[Paragraph 26 of this article fixes the venue of actions for personal injuries or death, either in the county where the injury occurred or where the plaintiff resided at the time of the injury, if there is an agent in the latter; if not, then in the nearest county where there is an agent.

Paragraph 27 authorizes suits for wages either in the county where earned or where the railroad company has its principal office.]

Wages as preferred claims—In receiverships

ARTICLE 2135. *Rank.*—[Wage payments in receiverships rank next after costs of the suit.]

Suits for wages—Attorneys' fees

ARTICLE 2178. *Fee allowed, when.*—[If wages are not paid 30 days after demand, suit may be brought in the proper county; and if the full amount of the demand is recovered, all costs may be recovered, and if an attorney is employed a reasonable fee, not over $20, to be fixed by the court or jury.]

Exemption of wages from attachment, etc.

ARTICLE 3785. *Current wages.*—[Current wages for personal service are exempt to every family from any species of forced sale.]

ART. 3788. *Same.*—[This makes the same provision for persons not constituents of a family.]

ART. 3793. *Exceptions.*—[Claims for rent, landlord's advances, and debts secured by liens are not affected by the above exemptions.]

Bureau of labor statistics

ARTICLE 5235. *Bureau created.*—The bureau of labor statistics shall be under the charge and control of a commissioner of labor statistics.

ART. 5236. *Commissioner.*—The commissioner of labor statistics shall be appointed by the governor, whose term of office shall begin on the first day of February of every odd-numbered year, and shall continue for two years, and until his successor is appointed and qualified. The commissioner may be removed for cause by the governor, record thereof being made in his office [sic], and any vacancy shall be filled in the same manner as the original appoint-

ment. Said commissioner shall give bond in the sum of two thousand dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall also take the oath of office prescribed by the constitution. He shall have an office in the capitol building; and, except as hereinafter provided, he shall safely keep and shall deliver to his successors all records, papers, documents, correspondence, and property pertaining to or coming into his hands by virtue of his office.

ART. 5237. *Duties.*—The commissioner shall collect, assort, systematize, and present in biennial reports to the governor, statistical details relating to all departments of labor in Texas, and especially as affecting or bearing upon the commercial, social, educational, and sanitary conditions of the employees and their families, the means of escape from dangers incident to their employment, the protection of life and health in factories and other places of employment, the labor of children and of women and the number of hours of labor exacted of them, and, in general, all matters and things which affect or tend to affect the prosperity of the mechanical, manufacturing, and productive industries of this State, and of the persons employed therein. Said commissioner shall, also, as fully as may be done, collect reliable reports and information from each county, showing the amount and condition of the mechanical, mining, and manufacturing interests therein, and all sites offering natural or acquired advantages for the location and operation of any of the different branches of industry, and he shall, by correspondence with interested parties in other parts of the United States, or in foreign countries, impart to them such information as may tend to induce the location of manufacturing and producing plants within the State, together with such information as may tend to increase the employment of labor and the products of such employment in Texas.

ART. 5238. *Reports.*—In each biennial report the commissioner shall give a full statement of the business of the bureau since the last preceding report, and such information as may be of value to the industrial interests and to persons employed therein, showing, among other things, the number of laborers and mechanics employed; the number of apprentices in each trade, with the nativity of such laborers, mechanics, and apprentices, the wages earned, the savings from the same; the age and sex of the persons employed; the number and character of accidents; the sanitary conditions of places where persons are employed; the restrictions put upon apprentices when indentured; the proportion of married employees living in rented houses, with the average rental paid; the value of property owned by such employees; and a statement as to the progress made in schools in operation for the instruction of students in mechanic arts and what systems have been found most practical; but such reports shall not contain more than six hundred printed pages, and the same shall be printed and distributed in such manner as is or may be provided by law.

ART. 5239. *Powers.*—The commissioner shall have power to issue subpœnas, administer oaths, and take testimony in all matters related to the duties herein required of the said bureau, but such testimony must be taken in the vicinity of the residence or office of the person testifying.

ART. 5240. *Returns to be retained two years.*—No report or return made to the bureau under the provisions of this chapter or the penal laws of this State, and no schedule, record, or document gathered or returned by its officers or employees shall be destroyed within two years of the collection or receipt thereof; but at the expiration of two years all such reports, returns, schedules, records, and documents as shall be considered by the commissioner to be of no further value shall be destroyed: *Provided*, That the permission of the governor shall first be obtained for such destruction.

ART. 5241. *Action on complaint.*—Upon the written complaint of two or more persons, or upon his failure otherwise to obtain information in accordance with the provisions of this law, the commissioner shall have the power to enter any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place where five or more persons are employed at work when the same is open and in operation, for the purpose of gathering facts and statistics, such as are contemplated by this chapter, and for the purpose of examining into the methods of protecting employees from danger and the sanitary conditions in and around such building or place, of all of which the said commissioner shall make and return [to] the bureau of labor statistics a true and detailed record in writing.

ART. 5242. *Attorneys to act, when.*—If the commissioner shall learn of any violation of the law with respect to the employment of children, or fire escapes,

or the safety of employees, or the preservation of health, or in any other way affecting the employees, he shall at once give written notice of the facts to the county or district attorney of the county in which the law has been violated, or of some other county, if any there be, having jurisdiction of the offense, and the county or district attorney to whom such notice has been given shall immediately institute the proper proceedings against the guilty person.

ART. 5243 (as amended 1919, ch. 106). *Salary.*—The commissioner of the bureau of labor statistics shall receive a salary of $3,000 per annum, payable monthly, and he shall be allowed a secretary at a salary of $1,800 per annum; an assistant secretary and stenographer at a salary of $1,500 per annum; a chief deputy at a salary of $2,000 per annum; six deputies at a salary of $1,800 each per annum; a chief of the woman's division at a salary of $2,000 per annum; and two women inspectors at a salary of $1,800 each per annum—each to be appointed by him—and such assistants and employees as the legislature may at any time in the future authorize, within the limits of the appropriations made therefor. The commissioner shall also be allowed necessary postage, stationery, printing, and other expenses to transact the business of the bureau, within the limits of the appropriations made therefor, and the salary shall be paid as in the case of other State officers and employees. In addition to his salary, the commissioner and any employee of the bureau shall be allowed his actual necessary traveling expenses while in the performance of duties required by this act and within the limits of the appropriations made therefor.

Labor combinations not unlawful

ARTICLE 5244. *Workingmen may organize.*—It shall be lawful for any and all persons engaged in any kind of work or labor, manual or mental, or both, to associate themselves together and form trade-unions and other organizations for the purpose of protecting themselves in their personal work, personal labor, and personal service in their respective pursuits and employments.

ART. 5245. *Persuading to quit work.*—It shall not be held unlawful for any member or members of such trade-union or other organization or association, or any other person, to induce or attempt to induce by peaceable and lawful means, any person to accept any particular employment or quit or relinquish any particular employment in which such person may then be engaged, or to enter any pursuit, or refuse to enter any pursuit, or quit or relinquish any pursuit in which such person may then be engaged: *Provided*, That such member or members shall not have the right to invade or trespass upon the premises of another without the consent of the owner thereof.

ART. 5246. *Application of law.*—The foregoing articles shall not be held to apply to any combination or combinations, association or associations, of capital, or capital and persons, natural or artificial, formed for the purpose of limiting the production or consumption of labor's products, or for any other purpose in restraint of trade: *Provided*, That nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employees: *Provided, further*, That nothing herein contained shall be construed to repeal, affect, or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies.

Action for personal injuries—Notice

ARTICLE 5714. *Contracts as to notice.*—* * * no stipulation in any contract between a person, corporation, or receiver operating railroad, or street railway or interurban railroad, and an employee or servant requiring notice of a claim by an employee or servant for damages for injury received to the person, or by a husband, wife, father, mother, child, or children of a deceased employee for his or her death, caused by negligence as a condition precedent to liability, shall ever be valid. * * *

Mine regulations

ARTICLES 5923–5932. *Mining board; inspector.*—[These articles provide for a board representative of miners and operators, appointed by the governor, to pass upon the qualifications of persons seeking appointment as State inspector

of mines, who is appointed by the governor on recommendation of the board. The inspector must be a citizen, resident in Texas at least one year, 30 years of age, of good repute, and at least 5 years' experience. The board must meet twice yearly, and exercises supervision over the inspector; it receives a per diem and expenses. The inspector receives $2,000 and traveling expenses. A bond of $10,000 is required, which may be sued upon to recover damages due to discrimination in the performance of his work.]

ARTS. 5933–5946. *Regulations.*—[These articles embody a brief code applicable to coal mines. They require safe traveling ways, gates, cages, etc., the installation of speaking tubes, suitable ventilation, manholes, a supply of timbers, regulate the use of cages, powder, oil, and safety lamps, require the rules to be posted, and authorize the employees to employ a checkweighman.]

Railroad regulations

ARTICLE 6581. *Shelters required, when.*—Every person, corporation, or receiver engaged in constructing or repairing railroad cars, trucks, or other railroad equipment, shall erect and maintain a building or shed at every station or other point where as many as five men are regularly employed on such repair work, the building or shed to cover a sufficient portion of its track so as to provide that all men regularly employed in the construction and repair of cars, trucks, or other railroad equipment shall be sheltered from rain and protected from other inclement weather. The provisions of this article shall not apply at points where less than five men are regularly employed in the repair service, nor at division terminals, or other points where it is necessary to make light repairs only on cars, nor to cars loaded with time or perishable freight, nor to cars when trains are being held for the movement of said cars.

ART. 6582. *Violations.*—[Fines of from $50 to $100 are penalties for violations; each 10 days' failure to comply is considered a separate offense.]

Wages of railroad employees—Notice of reduction

ARTICLE 6620. *Notice required.*—All persons in the employment of such railway company [any railroad company or corporation] shall be entitled to receive thirty days' notice from said company before their wages can be reduced by such company; and, in all cases of reduction, the employee shall be entitled to receive from such company wages at his contract price for the full term of thirty days after such notice is given, to be recovered in any court of competent jurisdiction.

ART. 6621. *Form, etc., of notice.*—The notice referred to in the preceding article is declared to mean thirty full days immediately prior to the day upon which such reduction is to take effect, and may be given by posting written or printed handbills, specifying the parties whose wages are to be reduced and the amount of such reduction, in at least three conspicuous places in or about each shop, section house, station, depot, train or other places where said employees are at work: *Provided*, Such employee shall, within fifteen days from the date of such notice, inform such railway company, by posting like notices as given by such railway company, whether he will or will not accept such reduction; and, if no such information is given such company by such employee, then such employee shall forfeit his right to such notice, and such reduction shall take effect from the date of such notice, instead of at the expiration of thirty days.

ART. 6622. *Penalty.*—Any railway company violating or evading any of the provisions of the preceding article[s] shall pay to each employee affected thereby one month's extra wages, to be recovered by such employee in any court of competent jurisdiction.

Liability of railroad companies for injuries to employees

ARTICLE 6640. *Acts of fellow servants.*—Every person, receiver, or corporation operating a railroad or street railway, the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employee thereof while engaged in the work of operating the cars, locomotives or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employee of such person, receiver, or

corporation, and the fact that such servants or employees were fellow servants with each other shall not impair or destroy such liability.

Hand cars are cars within the meaning of this section, 57 S. W. 137.
A member of a section gang carrying tools on foot and others using a hand car for the same purpose were held not to be fellow servants. 57 S. W. 802.

ART. 6641. *Vice principals defined.*—All persons engaged in the service of any person, receiver, or corporation controlling or operating a railroad or street railway, the line of which shall be situated in whole or in part in this State who are intrusted by such person, receiver, or corporation with the authority of superintendence, control or command of other servants or employees of such person, receiver, or corporation, or with the authority to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow servants with their coemployees.

ART. 6642. *Fellow servants defined.*—All persons who are engaged in the common service of such person, receiver, or corporation controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service, and are working together at the same time and place, and at the same piece of work and to a common purpose, are fellow servants with each other. Employees who do not come within the provisions of this article shall not be considered fellow servants.

ART. 6643. *Contracts limiting liability.*—No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under the preceding articles of this chapter, or fixing damages to be recovered, shall be valid or binding.

ART. 6644. *Contributory negligence.*—Nothing in preceding articles of this chapter shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence, except as otherwise provided in this chapter [arts. 6640–6644].

ART. 6645 (as amended 1921, ch. 100). *Assumed risk; negligence.*—The plea of assumed risk shall not be available as a bar to recovery of damages in any suit hereafter brought in any court of this State against any corporation, receiver, or other person, operating any railroad, interurban railway, or street railway in this State, for the recovery of damages for the death or personal injury of any employee or servant caused by the wrong or negligence of such person, corporation, or receiver; it being contemplated that while the employee does assume the ordinary risk incident to his employment he does not assume the risk resulting from any negligence on the part of his employer, though known to him.

Where, however, in any such suit, it is alleged and proven that such deceased or injured employee was chargeable with negligence in continuing in the service of any such corporation, receiver, or person above named in view of the risk, dangers, and hazards of which he knew, or must necessarily have known, in the ordinary performance of his duties, such fact shall not operate to defeat a recovery, but the same shall be treated and considered as constituting contributory negligence and if proximately causing or contributing to cause the death or injury in question, it shall have the effect of diminishing the amount of damages recoverable by such employee, or his heirs, or representatives in case of the employee's death, only in proportion to the amount of negligence so attributable to such employee.

ART. 6646. *Defenses abrogated.*—Any employee of any common carrier engaged in any intrastate commerce, as provided in articles 6640 and 6641 of this title, who may be injured or killed shall not be held to have assumed the risk of his employment, or to have been guilty of contributory negligence, if the violation of such carrier of any of the provisions of said articles contributed to the injury or death of such employee.

ART. 6647. *Assumption of risk.*—Employees of railway companies employed by said companies in the operation of trains within this State, propelled by two or more engines, shall not be held to assume the risk, if any there be, incident to their employment: *Provided*, That they be injured while engaged in operation of such trains: *And provided further*, That such injury was occasioned by reason of the operation of two or more engines on such train instead of one.

ART. 6648. *Liability on account of.*—Every corporation, receiver, or other person, operating any railroad in this State, shall be liable in damages to any

person suffering injury while he is employed by such carrier operating such railroad, or in case of the death of such employee, to his or her personal representatives for the benefit of the surviving widow and children, or husband and children, and mother and father of the deceased, and, if none, then of the next kin dependent upon such employee for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; or by reason of any defect or insufficiency due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment: *Provided*, That the amount recovered shall not be liable for the debts of deceased and shall be divided among the persons entitled to the benefit of the action or such of them as shall be alive, in such shares as the jury, or court trying the case without a jury, shall deem proper: *And provided*, That in case of the death of such employee, the action may be brought without administration by all the parties entitled thereto, or by any one or more of them for the benefit of all, and, if all parties be not before the court, the action may proceed for the benefit of such of said parties as are before the court.

ART. 6649. *Comparative negligence.*—In all actions hereafter brought against any such common carrier or railroad under or by virtue of any of the provisions of the foregoing article and the three succeeding articles to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violations by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

ART. 6650. *Assumption of risks.*—Any action brought against any common carrier under or by virtue of any of the provisions of the two preceding articles to recover damages for injuries to or the death of any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation of such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

ART. 6651. *Contracts of waiver.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by the three preceding articles shall to that extent be void: *Provided*, That, in any action brought against any such common carrier under or by virtue of said articles, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action was brought.

ART. 6652. *Construction of act.*—Nothing in the provisions of the four preceding articles shall be held to limit the duty or liability of common carriers, or to impair the rights of employees, under other articles of this chapter, or under the provisions of the Revised Civil Statutes, but, in case of conflict, these articles shall prevail; and nothing in said article shall affect the prosecution of any pending proceeding or right of action under any of the laws of this State.

This statute is not class legislation and is constitutional. 134 S. W. 819.

Railroads—Regulations

ARTICLE 6702. *Interlocking devices.*—In any case where the tracks of two or more railways cross each other at a common grade in this State, it shall be the duty of such railroad company to protect such crossings by interlocking or other safety devices and regulations to be designated by the Railroad Commission of Texas, to prevent trains colliding at such crossings.

ART. 6706. *Use of two locomotives on train.*—Where an unreasonable degree of hazard results to its employees, it is hereby declared to be an abuse of its franchise and privileges for any railroad company, or receiver, operating a line of railroad in this State to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars, except in moving trains up steep grades, or where a locomotive propelling the train becomes temporarily disabled after leaving the terminal; and it shall be the

duty of the railroad commission to investigate such abuses and see that the same are corrected, regulated, or prohibited as hereinafter provided.

ART. 6707. *Commission to issue order.*—After such investigation, should the railroad commission decide to regulate or forbid the practice of using more than one working locomotive in the operation of any train at the same time on any railroad or part of railroad within this State, then it shall be their duty to make and record an order fully setting forth their decision and clearly designating the railroad or part of railroad on which such practice is forbidden or regulated and how regulated. Notice of said order shall be served upon said railroad affected by it. Said notice shall contain in full a copy of said order and shall be directed to the sheriff or any constable of the county where the general offices of such railroad are located; and a copy of the same shall be delivered by the officer executing the same to the president, or the vice president, or the general manager, or the general superintendent, or any general officer of said railroad in this State residing in said county; and said officer executing said writ shall make his return on the original and deliver the same with his return forthwith to the commission.

ART. 6708. *Violations.*—[Violations of order after 10 days' notice are punishable by a fine of not less than $500 nor more than $5,000 for each offense.]

REVISED CRIMINAL STATUTES—1911

Protection of employees as voters

ARTICLE 244. *Refusing privilege of voting.*—Any person or corporation who refuses to an employee entitled to vote the privilege of attending the polls, or subjects such employee to a penalty or deduction of wages because of the exercise of such privilege, is guilty of a misdemeanor.

Labor organizations—Unauthorized use of badges

ARTICLE 425. *Penalty for unauthorized use of badges.*—Any person who shall willfully and without due authority use or wear the badge, label, or button or other emblem of * * * any labor organization, or any order, society, or organization in the State of Texas, or who shall use or wear the same to obtain aid or assistance or patronage thereby within this State, unless he shall be entitled to use or wear the same under the rules and regulations of * * * any labor organization, or any order, society, or organization in the State of Texas, whose badge, label, or button or other emblem was so used or worn, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding fifty dollars, or imprisoned for a term not exceeding sixty days, or both, at the discretion of the court or jury trying the case.

Intimidation of employees

ARTICLE 435. *Definition.*—An "unlawful assembly" is the meeting of three or more persons with intent to aid each other by violence, or in any other manner either to commit an offense, or illegally to deprive any person of any right, or to disturb him in the enjoyment thereof.

ART. 445. *Interference with employment.*—If the purpose of the unlawful assembly be to prevent any person from pursuing any labor, occupation, or employment, or to intimidate any person from following his daily avocation, or to interfere in any manner with the labor or employment of another, the punishment shall be by fine not exceeding five hundred dollars.

Strikers who prevented a train from running and being operated were guilty of an offense under this section, as interfering with the labor and employment of the conductor in charge of said train. 23 C. App. 330.

ART. 460. *Same subject.*—If any person, by engaging in a riot, shall prevent any other person from pursuing any labor, occupation, or employment, or intimidate any other person from following his daily avocation, or interfere in any manner with the labor or employment of another, he shall be punished by confinement in the county jail not less than six months nor more than one year.

Employment of children to support parents in idleness

ARTICLE 634. *Who are vagrants.*—The following persons are and shall be punished as vagrants, viz:

* * * * * * *

(n) All persons who are able to work and do not work, but hire out their minor children, or allow them to be hired out, and live upon their wages being without other means of support.

* * * * * * *

Interference with employment

ARTICLE 1021. *Act of individuals.*—Any person who shall, by threatening words, or by acts of violence or intimidation, prevent or attempt to prevent another from engaging or remaining in or from performing the duties of any lawful employment, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by confinement not less than one nor more than six months in the county jail.

Blacklisting—Protection of employees as to trading

ART. 1192. *Evidence.*—In prosecution for the violation of any of the provisions of this law, evidence that any person has acted as the agent of a corporation in the transaction of its business in this State shall be received as prima facie proof that his act in the name, behalf, or interest of the corporation, of which he was acting as the agent, was the act of the corporation.

ART. 1193. *Definition.*—He is also guilty of "blacklisting" who places, or causes to be placed, the name of any discharged employee, or any employee who has voluntarily left the service of any individual, firm, company, or corporation on any book or list, or publishes it in any newspaper, periodical, letter, or circular, with the intent to prevent said employees from employment of any kind with any other person, firm, corporation, or company, either in a public or private capacity.

ART. 1194. *Blacklisting forbidden.*—No corporation, company, or individual shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer discharged by such corporation, company or individual, with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, or individual.

ART. 1195. *Violations.*—[Violations of articles 1193 and 1194 are punishable by fine of not less than $50 nor more than $250 or imprisonment 30 to 90 days, or both.]

ART. 1196. *Act construed.*—But this law shall not be construed as prohibiting any corporation, company, or individual from giving in writing, on application from such discharged employee, or any corporation, company, or individual who may desire to employ such discharged employee, a truthful statement of the reason for such discharge: *Provided*, That said written cause of discharge, when so made by such person, agent, company, or corporation, shall never be used as the cause for an action for libel, either civil or criminal, against the person, agent, company, or corporation so furnishing same.

ART. 1197. *Restriction of employees as to trading.*—It shall be unlawful for any person or persons, corporation, or firm, or any agent, manager, or board of managers, or servant of any corporation or firm in this State to coerce or require any servant or employee to deal with or purchase any article of food, clothing, or merchandise of any kind whatever from any person, association, corporation, or company, or at any place or store whatever. And it shall be unlawful for any such person or persons, or agent, manager, or board of managers, or servants to exclude from work or to punish or blacklist any of said employees for failure to deal with any such person or persons, or any firm, company, or corporation or to purchase any article of food, clothing or merchandise whatever at any store or any place whatever.

ART. 1198. *Violations.*—[Violations entail fine, not less than $50 nor more than $200, for each offense.]

ART. 1199. *Enforcement.*—Upon the application of the attorney general or of any district or county attorney made to any justice of the peace in this

State, and stating that he has reason to believe that a witness, who is to be found in the county of which such justice of the peace is an officer, knows of a violation of any of the provisions of this chapter, it shall be the duty of the justice of the peace to whom such application is made to have summoned and to have examined such witness in relation to violations of any of the provisions of this chapter, said witness to be summoned as provided for in criminal cases. The said witness shall be duly sworn, and the justice of the peace shall cause the statements of the witness to be reduced to writing and signed and sworn to before him; and such sworn statement shall be delivered to the attorney general, district or county attorney, upon whose application the witness was summoned. Should the witness, summoned as aforesaid, fail to appear or to make statements of the facts within his knowledge, under oath, or to sign the same after it has been reduced to writing, he shall be guilty of contempt of court and may be fined not exceeding one hundred dollars and may be attached and imprisoned in the county jail until he shall make a full statement of all the facts within his knowledge with reference to the matter inquired about. Any person so summoned and examined shall not be liable to prosecution for any violation of the provisions of this chapter about which he may testify fully and without reserve.

Intimidation of employees—Preventing the running of trains

ARTICLE 1257. *Preventing the running of trains.*—Any person or persons who shall, by force, threats, or intimidation of any kind whatever against any railroad engineer or engineers or any conductor, brakeman, or other officer or employee employed or engaged in running any passenger train, freight train, or construction train running upon any railroad in this State, prevent the moving or running of said passenger, freight, or construction train shall be deemed guilty of an offense, and upon conviction thereof each and every person so offending shall be fined in a sum not less than one hundred dollars nor more than five hundred dollars and also imprisoned in the county jail for any period of time not less than three months nor more than twelve months.

ART. 1258. *Separate offenses.*—Each day said train or trains mentioned in the preceding article are prevented from moving on their road, as specified in the preceding article, shall be deemed a separate offense, and shall be punished as prescribed in the preceding article.

Antitrust law—Boycotting, etc.

ARTICLE 1454. *Definition of trust.*—A "trust" is a combination of capital, skill, or acts by two or more persons, firms, corporations, or associations of persons, or either two or more of them for either, any, or all of the following purposes:

1. To create or which may tend to create or carry out restrictions in trade or commerce or aids to commerce, or in the preparation of any product for market or transportation, or to create or carry out restrictions in the free pursuit of any business authorized or permitted by the laws of this State.

2. To fix, maintain, increase, or reduce the price of merchandise, produce, or commodities, or the cost of insurance, or of the preparation of any product for market or transportation.

3. To prevent or lessen competition in the manufacture, making, transportation, sale, or purchase of merchandise, produce, or commodities, or the business of insurance, or to prevent or lessen competition in aids to commerce, or in the preparation of any product for market or transportation.

4. To fix or maintain any standard or figure whereby the price of any article or commodity of merchandise, produce, or commerce, or the cost of transportation, or insurance, or the preparation of any product for market or transportation shall be in any manner affected, controlled, or established.

5. To make, enter into, maintain, execute, or carry out any contract, obligation, or agreement by which the parties thereto bind or have bound themselves not to sell, dispose of, transport, or to prepare for market or transportation any article or commodity or to make any contract of insurance at a price below a common standard or figure, or by which they shall agree in any manner to keep the price of such article or commodity, or charge for transportation or insurance, or the cost of the preparation of any product for market or transportation at a fixed or graded figure, or by which they shall in any manner

affect or maintain the price of any commodity or article, or the cost of transportation or insurance, or the cost of the preparation of any product for market or transportation between them or themselves and others to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity or business of transportation or insurance, or the preparation of any product for market or transportation, or by which they shall agree to pool, combine, or unite any interest they may have in connection with the sale or purchase of any article or commodity, or charge for transportation or insurance, or charge for the preparation of any product for market or transportation whereby its price or such charge might be in any manner affected.

6. To regulate, fix, or limit the output of any article or commodity which may be manufactured, mined, produced, or sold, or the amount of insurance which may be undertaken, or the amount of work that may be done in the preparation of any product for market or transportation.

7. To abstain from engaging in or continuing business, or from the purchase or sale of merchandise, produce, or commodities partially or entirely within the State of Texas or any portion thereof.

ART. 1456. *Conspiracy.*—Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations, or associations of persons who are engaged in buying or selling any article of merchandise, produce, or any commodity enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation, or association of persons any article of merchandise, produce or commodity.

2. Where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation, or association of persons for buying from or selling to any other person, firm, corporation, or association of persons.

ART. 1457. *Illegality.*—Any and all trusts, * * * and conspiracies in restraint of trade, as herein defined, are hereby prohibited and declared to be illegal.

ART. 1464. *Violations.*—[Penalty for each day's violation is a fine of $50.]

ART. 1465. *Certain contracts void.*—Any contract or agreement in violation of the provisions of this chapter shall be absolutely void and not enforceable either in law or equity.

ART. 1466. *Penalty.*—And in addition to all other penalties and forfeitures herein provided for every person violating the provisions of this chapter shall be further punished by imprisonment in the penitentiary not less than two nor more than ten years.

Railroads—Hours of labor of telegraph, etc., operators

ARTICLE 1555. *Working overtime.*—It shall be unlawful for any railroad telegraph or telephone operator to work more than eight hours in twenty-four consecutive hours at such occupation, and any such operator violating this article shall pay a fine in any sum not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That in case of an emergency any operator may remain on duty for an additional two hours.

Railroads—Cars, etc., to be repaired within the State

ARTICLE 1561. *Cars, etc., to be repaired within the State, when.*—All railroad corporations operating in the State of Texas and having their repair shops within the State shall and are hereby required to repair, renovate, or rebuild in the State of Texas any and all defective or broken cars, coaches, locomotives, or other equipment owned or leased by said corporations in the State of Texas when such rolling stock is within the State of Texas: *Provided*, That such railway shall have or be under obligation to have proper facilities in the State to do such work: *And provided*, This chapter shall not be so construed as to require any railway corporation to violate the safety appliance law of the Congress of the United States: *And provided further*, That no railway shall be required to haul such disabled equipment a greater distance for repairs at a point within the State of Texas than would be necessary to reach their repair shops in another State: *And provided further*, That no such railway company

shall haul or be permitted to haul for purposes of repair any disabled equipment by or past any shop owned or operated by any such company where said disabled equipment can be repaired in order to reach some other repair shop at a greater distance for purposes of repairing said disabled equipment: *Provided*, That the provisions of this act shall not apply to companies having less than sixty continuous miles of railroad in operation in this State.

ART. 1562. *Sending defective cars out of State.*—All railroad corporations operating in the State of Texas and having their repair shops within the State shall be prohibited from sending or removing any of their cars, coaches, locomotives, or other equipment out of the State of Texas to be repaired, renovated, or rebuilt when the same is in a defective or broken condition and within the State.

ART. 1563. *Exemptions.*—The provisions of this chapter shall not apply in cases of strikes, fires, or other unforeseen casualties and emergencies.

ART. 1564. *Violations.*—[Penalty for violation is a fine, $100 to $500.]

Bureau of labor statistics

ARTICLES 1585, 1586. [See arts. 5237, 5239, p. 1027.]

ART. 1587. *Reports of employers.*—It shall be the duty of every owner, manager, and superintendent of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment or place where five or more persons are employed at work to make to the bureau of labor statistics, upon blanks to be furnished by such bureau, such reports and returns as said bureau may require for the purpose of securing such labor statistics as are contemplated by this chapter; and such reports and returns shall be made within not to exceed sixty days from the receipt of the blanks furnished by the commissioner or by the bureau, and the same shall be verified under oath. Any owner, manager, superintendent, or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place where five or more persons are employed at work, who shall neglect or refuse to make such reports and returns as are required by the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days.

ART. 1588. *Names not to be disclosed.*—In the reports made by the commissioner of labor statistics to the governor the names of individuals, firms, or corporations supplying information under the provisions of this chapter shall not be disclosed, nor shall the name of any such individual, firm, or corporation be communicated to any person or persons except such as are employed in the bureau of labor statistics; and any officer or employee of such bureau violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or by imprisonment in the county jail for not more than ninety days.

ARTS. 1589, 1590. [See arts. 5241, 5242, pp. 1027, 1028.]

ART. 1591. *Hindering commissioner.*—Any owner, manager, superintendent, or other person in charge or control of any factory, mill, workshop, mine, store, business house, public or private work, or other establishment or place, where five or more persons are employed at work, who shall refuse to allow any officer or employee of the said bureau of labor statistics to enter the same, or to remain therein for such time as is reasonably necessary, or who shall hinder any such officer or employee, or in any way prevent or deter him from collecting information, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not to exceed one hundred dollars, or imprisonment in the county jail for not to exceed sixty days.

[See also arts. 5235–5243, pp. 1026–1028.]

Mine regulations

ARTICLES 1592–1606. *Safety, etc.*—[These are in the main reproductions of provisions of the Civil Statutes, arts. 5933–5946. Two outlets are required for all workings, the time is fixed within which required changes must be made, and penalties of fine or imprisonment are fixed for violations.]

ACTS OF 1911

CHAPTER 63.—*Railroads—Inspection of air brakes*

SECTIONS 1–3. *Inspector; duties.*—[This act makes it unlawful to operate any train other than on a logging road or a road less than 40 miles in length without an inspection and testing of the air brakes and air-brake attachments, except in emergencies where no inspector is available. Penalty, $50 to $100 fine for each offense.]

CHAPTER 97.—*Mine regulations*

SECTIONS 1–3. *Electric installations.*—[These sections require electric wires, etc., to be properly insulated and placed at safe heights or safely shielded, with penalties for violations.]

SECS. 4, 5. *Maps.*—[Every operator of a coal mine is required to prepare a map of his underground workings, which must be kept up to date.]

CHAPTER 102.—*Mine regulations—Storage of food for animals*

SECTIONS 1–5. *Storage, etc., restricted.*—[The storage of food for work animals in mines is forbidden unless the stables be equipped with fireproof doors set in concrete, stone or brick, the doors being kept closed during work hours. Hay, grass, and the like may not be brought in during the day shift, no open light may be taken into such stable, and not over 24 hours supply of hay, etc., may be taken in in any one day. Penalty, fines, $100 to $500, and imprisonment, one month to one year.]

ACTS OF 1913

CHAPTER 68.—*Hours of labor on public works*

SECTION 1. *Eight hours a day's work.*—Eight hours shall constitute a day's work for all laborers, workmen or mechanics now employed or who may hereafter be employed by or on behalf of the State of Texas, or by or on behalf of any county, municipality or political subdivision of the State, county or municipality in any one calendar day, where such employment, contract or work is for the purpose of constructing, repairing or improving buildings, bridges, roads, highways, streams, levees, or other work of a similar character, requiring the service of laborers, workmen or mechanics.

SEC. 2 (as amended 1921, ch. 121). *Public contracts.*—All contracts hereafter made by or on behalf of the State of Texas, or by or on behalf of any county, municipality, or other legal or political subdivision of the State, with any corporation, persons, or association of persons for performance of any work shall be deemed and considered as made upon the basis of eight hours constituting a day's work. It shall be unlawful for any corporation, person, or association of persons having a contract with the State or any political subdivision thereof to require any such laborers, workmen, mechanics, or other persons to work more than eight hours per calendar day in doing such work, except in case of emergency which may arise in times of war or in cases where it may become necessary to work more than eight hours per calendar day for the protection of property, human life, or the necessity of housing inmates of public institutions in case of fire or destruction by the elements. In such emergencies the laborers, workmen, mechanics, or other persons so employed and working to exceed eight hours per calendar day shall be paid on the basis of eight hours constituting a day's work: *Provided*, That not less than the current rate of per hour wages for like work in the locality where the work is being performed shall be paid to the laborers, workmen, mechanics, or other persons so employed, by or on behalf of the State of Texas, or for any county, municipality, or other legal or political subdivision of the State, county, or municipality, and every contract hereafter made for the performance of work for the State of Texas, or for any county, municipality, or other legal or political subdivision of the State, county, or municipality must comply with the requirements of this section: *Provided*, That nothing in this act shall affect contracts in existence at the time of the taking effect of this act: *Provided further*, That nothing in this act shall be construed to affect the present law gov-

erning State and county convict labor while serving their sentences as such: *And provided further*, That nothing in the foregoing section shall prevent any person, or any officer, agent, or employee of a person or corporation or association of persons from making mutually satisfactory contracts as to the hours of labor at the rates of pay as herein provided: *Provided further*, That the time consumed by the laborer in going to and returning from the place of work shall not be considered as part of the hours of work.

SEC. 3. *Violations.*—[Violations are punishable by fines, $50 to $1,000, or imprisonment not exceeding six months, or both; each day constitutes a separate offense.]

This act is constitutional. Bradford *v.* State, 180 S. W. 702.

CHAPTER 82.—*Stevedores to be licensed*

SECTION 1. *Definition.*—A contracting stevedore, within the meaning of this act, is any person, firm, association of persons, or corporation that contracts with any ship, agent, owners, masters, managers, or captains of vessels, or with any other person or corporation, for the purpose of loading or unloading, or of having loaded or unloaded any vessel, ship, or water craft; a stevedore within the meaning of this act is any laborer who performs any of the actual labor in loading and unloading any ship, vessel, or water craft whatsoever while in the service or employ of a contracting stevedore as above mentioned.

SEC. 2. *License required.*—[Stevedores must procure licenses under penalty of a fine, $100 to $500 for each day's operation without license.]

SEC. 3. *Bond.*—[A bond of $5,000 is required, conditioned on the weekly payment of wages as agreed upon, and the fulfillment of all agreements with laborers, such bond to be filed and recorded by the county clerk.]

SEC. 4. *Separate counties.*—[License and bond must be procured for each county in which a stevedore pursues his occupation, and the bond must be renewed when exhausted by proceedings against it.]

SECS. 5, 6. *Renewals, etc.*—[Licenses are issued on the filing of application, the approval of a bond, and the payment of a fee of $5. Annual renewals are provided for.]

CHAPTER 158.—*Railroads—Safety appliances*

SECTION 1. *Derailing devices.*—It shall be unlawful for any person, firm, corporation, or receiver operating any railroad, machine shop, or other concern engaged in repairing or manufacturing cars within this State to use any tracks not equipped with derailing devices upon which to repair or manufacture cars; such derailing devices to be provided with private locks, to be kept locked at all times when tracks are in use: *Provided*, That nothing in this act shall be construed as prohibiting temporary repairs to cars on tracks other than where cars are regularly repaired or manufactured.

SEC. 2. *Violations.*—[Violation entail fines of from $50 to $200, each day's continued violation constituting a separate offense.]

ACTS OF 1915

CHAPTER 12.—*Fire escapes on factories, etc.*

SECTION 1. *Scope of law.*—Every building of over two stories in height now or hereafter used in whole or in part as a * * * manufacturing, wholesale, or retail mercantile establishment, factories, or workshops, warehouses where five or more persons shall be assembled, shall be provided with at least one, and as many additional fireproof stairways or ladders or iron spiral fire escape on the exterior of such building placed in such position and as many in number as may be designated by the head of the fire department of that city or town, in or near which such building may be located, if there be one, or by the mayor, if there be no head of such fire department, or by the commissioner of labor statistics, if such building be not in or near any incorporated city or town, or one having a head of its fire department. If one or more fire escapes or ladders are required on each side of such buildings for the accommodation and protection of the * * * employees * * * of such buildings now or hereafter, used in whole or in part * * * by any manufacturing wholesale or retail mercantile establishment, factories, or workshops,

warehouses, where five or more persons shall be assembled or a place of public resort, [they] shall be provided therewith; such stairways or ladders shall connect the cornice with the top of the first story of any such building by a metal platform, balcony, piazza, or other safe and convenient resting place on a level with the floor of each story so connected, and of sufficient length to permit access to the same from not less than two windows of each story. They shall be convenient of access from the interior of the building, commodious in size and form and of sufficient strength to be safe for the purpose of ascent and descent. * * *

Secs. 2–4. *Enforcement; penalties.*—[Enforcement rests with the local authorities and the commissioner of labor statistics and his factory inspectors. County attorneys are to prosecute on report; penalties are fines, not less than $50 nor more than $200.]

This act was repealed by ch. 140, Acts of 1917, but as the latter act is unconstitutional, the earlier act is here reproduced.

Chapter 25.—*Payment of wages—Semimonthly pay day*

Section 1. *Scope of law.*—From and after January 1, 1916, each and every manufacturing, mercantile, mining, quarrying, railroad, street railway, canal, oil, steamboat, telegraph, telephone, and express company, employing more than ten persons, and each and every water company not operated by a municipal corporation, and each and every wharf company, and every other corporation engaged in any business within the State of Texas, which employs more than ten persons, or any person, firm or corporation engaged in or upon any public work for the State or for any county or any municipal corporation thereof, either as a contractor or a subcontractor, therewith, shall pay each of its employees the wages earned by him or her as often as semimonthly and pay to a day not more than sixteen days prior to the day of payment.

An employee who is absent at the time fixed for payment, or who for any other reason is not paid at that time, shall be paid thereafter on six days' demand, and any employee leaving his or her employment, or discharged therefrom, shall be paid in full on six days' demand.

Sec. 2. *Violations.*—Every person, partnership, or corporation, willfully failing or refusing to pay the wages of any employee at the time and in the manner provided in this statute shall forfeit to the State of Texas the sum of fifty ($50) dollars for each and every such failure or refusal, and suits for penalties accruing under this act shall be brought in any court having jurisdiction of the amount in the county in which the employee should have been paid, or where employed. Such suits shall be instituted at the direction of the commissioner of labor statistics by the attorney general or under his direction or by the county or district attorney for the county or district in which suit is brought; and the attorney bringing any such suit shall be entitled to receive and shall receive as compensation for his service therein $10 of the penalty or penalties recovered in such suit, and the fees and compensation so allowed shall be over and above the fees allowed to the attorney general, county or district attorneys under the general fee act.

Sec. 3. *Enforcement.*—It shall be the duty of the commissioner of labor statistics to inquire diligently for violations of this act and institute prosecutions and see that the same are carried to final termination and generally to see to the enforcement of the provision[s] hereof.

Chapter 49.—*Employment of children—School attendance*

Section 1 (as amended 1923, ch. 121). *Attendance.*—[School attendance to 14 is required for not less than 100 days per year.]

Sec. 2 (as amended 1923, ch. 121). *Exemptions.*—[Among other exemptions from the above are children 12 years of age who have completed the work of the seventh grade and whose services are needed in the support of a parent or other person standing in a parental relation.]

Sec. 5. *Unlawful employment.*—[No child under 14 not lawfully excused may be employed during school hours within the period of required attendance.]

Chapter 51.—*Mine regulations—Bath houses*

Section 1. *Who to supply.*—[This act requires operators, etc., of coal mines employing 10 or more men to provide a room for washing and for changing clothes. Shower baths with hot and cold water and lockers are to be furnished

by the employees, who are also responsible for property left by them in the house. Separate provisions are required for whites and negroes.]

SEC. 2. *Property.*—[Employers are not liable for the loss or destruction of property left at or in such house.]

SEC. 3. *Violations.*—[Failure to comply with the above is punishable by fine or imprisonment, or both. Each two weeks' violation is a separate offense.]

SEC. 4. *Enforcement.*—[The commissioner of labor statistics is charged with the enforcement of the act.]

CHAPTER 56.—*Employment of women—Hours of labor—Seats*

SECTION 1. *Nine-hour day.*—No female shall be employed in any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant or rooming house, theater or moving-picture show, barber shop, telegraph, telephone, or other office, express or transportation company, or any State institution, or any other establishment, institution, or enterprise where females are employed, except as hereinafter provided, for more than nine hours in any one calendar day, nor more than fifty-four hours in any one calendar week: *Provided, however,* That in case of extraordinary emergencies, such as great public calamities, or where it becomes necessary for the protection of human life or property, longer hours may be worked, but for such time not less than double time shall be paid such female, with the consent of the said female: *Provided,* This act shall not apply to stenographers and pharmacists.

SEC. 1a. *Work in laundries.*—No female shall be employed in any laundry for more than fifty-four hours in one calendar week; the hours of such employment to be so arranged as to permit the employment of such female at any time so that she shall not work more than a maximum of eleven hours during the twenty-four hours' period of one day: *Provided,* That if such female is employed for more than nine hours in any one day she shall receive pay at the rate of double her regular pay for such time as she is employed for more than nine hours per day.

SEC. 1b. *Ten-hour day.*—No female shall be employed in any factory engaged in the manufacture of cotton, woolen, or worsted goods or articles of merchandise manufactured out of cotton goods for more than ten hours in any one calendar day, nor for more than sixty hours in any one calendar week.

Provided, That if such female is employed for more than nine hours in any one day she shall receive pay at the rate of double her regular pay for such time as she may be employed for more than nine hours per day.

SEC. 2. *Seats to be furnished.*—Every employer owning or operating any factory, mine, mill, workshop, mechanical or mercantile establishment, laundry, hotel, restaurant, or rooming house, theater or moving-picture show, barber shop, telegraph or telephone or other office, express or transportation company, the superintendent of any State institution or any other establishment, institution, or enterprise where females are employed, as provided by sections 1, 1a, and 1b, shall provide and furnish suitable seats, to be used by such employees when not engaged in the active duties of their employment, and shall give notice to all such female employees by posting in a conspicuous place, on the premises of such employment in letters not less than one inch in height, that all such female employees will be permitted to use such seats when not so engaged.

SEC. 3. *Violations; exemptions.*—[Violations are punishable by fines of from $50 to $200, each day constituting a separate offense. Telegraph and telephone offices and mercantile establishments in places of less than 3,000 inhabitants are excepted.]

SEC. 4. *Provisions severable.*—If any section or provision of this act is for any reason held or declared to be unconstitutional it shall not affect nor impair nor render invalid the rest of this act, and changing other sections to conform thereto.

ACTS OF 1917

CHAPTER 59.—*Employment of children—General provisions*

SECTION 1. *Age.*—[Employment under 15 is forbidden in or about any factory, mill, workshop, laundry, theater, or other place of amusement or in messenger service in towns and cities of more than 15,000 population. Farm labor is excluded.]

SEC. 2. *Dangerous or immoral employments.*—[No child under 17 may be employed in any mine, quarry, or place where explosives are made, in any place where intoxicants are made or handled, or be sent to any disorderly house or immoral resort.]

SEC. 3. *Messengers.*—[Persons employing children under 17 as messengers or in delivery service must ascertain if the places to which they are sent are those forbidden by section 2.]

SEC. 4. *Hours of labor.*—[Ten hours per day and 48 per week is the maximum work time for children under 15, except in farm labor.]

SEC. 5. *Children of widows, etc.*—[The county judge may issue a permit to a child 12 years of age whose earnings are necessary to the family support if he can read and write English and is physically able to do the work, which must not be of a dangerous character or injurious to morals. Permits are for six months only, and must be posted in the place of employment. Vacation employment is permitted (June 1 to September 1) to school children of any age, except in factories, mills, workshops, theaters, etc., and in dangerous or injurious employments as mentioned in secs. 2 and 5.]

SEC. 6. *Inspection.*—[The commissioner of labor statistics is to have free access during working hours to all places where children are employed. Stock raising pursuits are exempt.]

SEC. 6a. *Domestic employment.*—[No limitation as to age applies to nurses, maids, etc., in private homes and families.]

ACTS OF 1918—SPECIAL SESSION

CHAPTER 58.—*Factory, etc., regulations*

SECTION 1. *Temperature.*—In every factory, mill, workshop, mercantile establishment, laundry, or other establishment adequate measures shall be taken for securing and maintaining a reasonable, and as far as possible, an equable temperature consistent with a reasonable requirement of the manufacturing process. No unnecessary humidity which would jeopardize the health of employees shall be permitted. In every room, apartment, or building used as a factory, mill, workshop, mercantile establishment, laundry or other place of employment, sufficient air space shall be provided for every person employed therein, and which in the judgment of the commissioner of labor statistics, or of his deputies and inspectors is sufficient for their health and welfare.

SEC. 2. *Ventilation.*—All factories, mills, workshops, mercantile establishments, laundries and other establishments shall be kept free from gas or effluvia arising from any sewer, drain, privy, or other nuisance on the premises; all poisonous or noxious gases arising from any process; all dust of a character injurious to the health of persons employed, which is created in the process of manufacturing within the above-named establishment, shall be removed as far as practicable by ventilators or exhaust fans or other adequate devices.

SEC. 3. *Cleanliness.*—All decomposed, fetid or putrescent matter, and all refuse waste and sweepings of any factory, mill, workshop, mercantile establishment, laundry or other establishment, shall be removed at least once each day and be disposed of in such manner as not to cause a nuisance. All cleaning, sweeping and dusting shall be done as far as possible outside of working hours, but if done during working hours, shall be done in such manner as to avoid so far as possible the raising of dust and noxious odors. In all establishments where any process is carried on which makes the floors wet, the floors shall be constructed and maintained with due regard for the health of the employees, and gratings or dry standing room shall be provided wherever practicable, at points wherever employees are regularly stationed, and adequate means shall be provided for drainage and for preventing leakage or seepage to lower floors.

SEC. 4. *Doors to open outward.*—All doors used by employees as entrances to, or exits from factories, mills, workshops, mercantile establishments, laundries or other establishments of a height of two stories or over, shall open outward, and shall be so constructed as to be easily and immediately opened from within in case of fire or other emergencies. Proper and substantial handrails shall be provided on all stairways, and lights shall be kept burning at all main stairs, stair landings, and elevator shafts in the absence of sufficient natural light: *Provided*, That the provisions of this section shall not apply to any mercantile establishment having seven female employees or less.

SEC. 5. *Toilets.*—[Separate and suitable toilets must be provided for each sex.]

SEC. 6. *Moral conditions.*—It shall be unlawful for the owner, manager, superintendent, or other person in control or management of any factory, mill, workshop, mercantile establishment, laundry or other establishment where five or more persons are employed, all or part of whom are females, to permit in such place of employment any influence, practices or conditions calculated to injuriously affect the morals of such female employees.

SEC. 7. *Inspection; orders.*—[This section declares the right of the commissioner of labor statistics or his deputies or inspectors to enter and inspect any place where five or more persons are employed, and to issue orders for the correction of insanitary conditions for failure to comply with this act. If these are not complied with, the establishment may be closed, or any part of it, until changes are made.]

SEC. 8. *Appeals.*—[Owners may appeal from orders made, to any court of competent jurisdiction.]

SEC. 9. *Violations.*—[Violations of the act, or of orders not set aside on appeal, are punishable by fine or imprisonment, or both; and each day's violation is a separate offense.]

ACTS OF 1919

CHAPTER 152.—*Protection of employees on buildings*

SECTION 1. *Floors.*—Hereafter any building three or more stories in height, in the course of construction or repairs, shall have the joists, beams, or girders of each and every floor below the floor level where any work is being done, or about to be done, covered with planking laid close together, said planking to be of not less than one and one-half inches in thickness in buildings that have steel framework, and what is commonly known as one-inch plank in all others where joists are set on two-foot centers or less, to protect the workmen engaged in the erection or construction of such buildings from falling through joists, girders, and from falling planks, bricks, rivets, tools, or other substances whereby life and limb are endangered. Where any scaffolding is placed on the outside of any of said buildings, over any public street or alley where persons are in the habit of passing, then said scaffolding shall be so constructed as to prevent any material, tools, or other things from falling off and endangering the life of passers-by.

SEC. 2. *Removal of floor.*—Such flooring shall not be removed until the same is replaced by a permanent flooring in such building.

SEC. 3. *Hoistways.*—If elevators, elevating machines, or hod-hoisting apparatus are used within a building in the course of construction, for the purpose of lifting materials to be used in such construction, the contractor or owners, or the agents of the owners, shall cause the shafts or openings in each floor to be inclosed or fenced in on all sides, two sides of which must be at least 6 feet, and two sides where material is to be taken off or on shall be protected by automatic safety gates.

SEC. 4. *Duty of contractor.*—It shall be the duty of the general contractor having charge of the erection and construction of such building to provide for the flooring as herein required, and to make such arrangements as may be necessary with the subcontractor in order that the provisions of this act may be carried out.

SEC. 5. *Owner.*—It shall be the duty of the owner, or the agent of the owner, of such building to see that the general contractor or subcontractors carry out the provisions of this act.

SEC. 6. *Same.*—Should the general contractor or subcontractors of such building fail to provide for the flooring of such buildings as herein provided, then it shall be the duty of the owner or the agent of the owner of such buildings to see that the provisions of this act are carried out.

SEC. 7. *Violations.*—[Failure to comply with this act entails a fine, $50 to $200, each day constituting a separate offense.]

ACTS OF 1920—FOURTH SPECIAL SESSION

CHAPTER 5.—*Interference with employment—Commerce*

SECTION 1. *Common carrier.*—The words "common carrier" for the purposes of this act are defined and shall be construed to mean any railway corporation, any express company, any interurban railway company, any street-car company,

any ship, dock, wharf company, any pipe-line company, engaged in the transportation of freight, express, or passengers.

SEC. 2. *Commerce.*—The word "commerce" for the purposes of this act is defined and shall be construed to mean any freight, express, or passengers being handled or transported by any common carrier as herein defined.

SEC. 3. *Policy declared.*—The uninterrupted management, control, and operation of the common carriers of this State is declared to be of vital importance to the welfare of the people of this State. It is therefore declared to be the policy of this State that the same shall not be impeded or interfered with by any person, association of persons, individually or collectively, or by any corporation, its agents, or employees.

SEC. 4. *Interference forbidden.*—It shall be unlawful for any person or persons by or through the use of any physical violence or by threatening the use of any physical violence, or by intimidation or threatening destruction of his property to interfere with or molest or harass any person or persons engaged in the work of loading or unloading or transporting any commerce within this State.

SEC. 5. *Conspiracy.*—It shall be unlawful for any two or more persons to conspire together to prevent or attempt to prevent by the use of physical violence or intimidation or by threats of physical violence or by abusive language spoken or written to any person engaged in loading or unloading or transporting any commerce within this State or performing the duties of such employment.

SEC. 6. *Putting in fear.*—Every person who shall through any act or written communication or conversation with any person or persons engaged in loading, unloading, or transporting any commerce by any common carrier in Texas or with the father, mother, wife, sister, brother, child, or children of such person or persons while so engaged or during the hours of day or night while not engaged in such work and when employed for such work which is reasonably calculated, intended, or designed to cause such person or persons so engaged to desist from performing such work through fear of physical violence or destruction of his property shall be deemed to have intimidated, molested, or harassed such person or persons engaged in the work of loading or unloading or transporting commerce within this State.

SEC. 7. *Persons engaged in work.*—The term "person or persons engaged in the work of loading or unloading or transporting commerce in this State" as used in this act shall be construed as including any person or persons employed in any way in the docks, wharves, switches, railroad tracks, express companies, compresses, depots, freight depots, pipe lines, or approaches or appurtenances to or incident to or used in connection with the handling of commerce by common carriers within this State. This section by naming certain occupations and work shall not be construed to exclude any other occupation or work not named, but reasonably incident to and necessary for the transportation of commerce in this State by common carriers.

SEC. 8. *Exemption.*—The provisions of this act shall not apply to peace officers in the discharge of their lawful duties.

SEC. 9. *Violations.*—[Penalty for violation of this act is a fine, $100 to $1,000, or imprisonment 30 days to 1 year, or both.] *Provided, however*, Should any person violating any of the provisions of this act use any physical violence upon or threaten the life of any person engaged in the work of loading or unloading, or transporting any commerce, as defined in this act, he shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State penitentiary for a term of not less than one year or more than five years.

SEC. 10. *Governor to act.*—If at any time the movement of commerce by common carriers of this State or any of them is interfered with in violation of the provisions of this act, and the governor of the State, after investigation, becomes convinced that the local authorities were failing to enforce the law, either because they were unable or unwilling to do so, the governor shall, in order that the movement of commerce may not be interfered with, forthwith issue his proclamations declaring such conditions to exist and describing the area thus affected.

SEC. 11. *Powers.*—Upon the issuance of the proclamation provided for in the preceding section, the governor shall exercise full and complete police jurisdiction of the area described in the proclamation whether the same be all within or partly within, or partly without the limits of any incorporated

city or county; the exercise of said police jurisdiction by the governor, as above set out, shall supersede all police authority by any and all local authority, provided that the governor shall not disturb the local authorities in the exercise of police jurisdiction, at any place outside the district described in his proclamation.

SEC. 12. *Arrests.*—No peace officer of the State of Texas shall be permitted to make arrests after the governor's proclamation has become effective, in the territory embraced by such proclamation, except officers acting under the authority of the governor under the provisions of this act. Persons arrested within the district shall be delivered forthwith to the proper authorities for trial.

SEC. 14. *Venue.*—When the provisions of this act have been violated by any person or persons and the grand jury of the county in which the offense was committed have returned an indictment, the district judge in whose court the indictment may be returned shall grant a change of venue upon motion made by the attorney general representing this State, or at his direction, or by the local prosecuting attorney. The motion for a change of venue shall be sufficient if it sets out that the offense charged is prohibited by the provisions of this act, and that on account of local conditions, preferences, prejudices, or influence it is the opinion of the attorney general that a fair and impartial trial can not be had in the county where the indictment is found. Upon the filing and presenting of such motion it will be the duty of the district judge in whose court such case may be pending to immediately issue a proper order changing the venue of such case to such other county as the court may select not subject, in the opinion of the attorney general, to like conditions and objections.

SEC. 15. *Attorney general.*—The attorney general, when directed by the governor, shall assist the district or county attorney in the prosecution of all offenses committed within the territory embraced by said proclamation for all violations of the provisions of this act.

SEC. 16. *Enforcement.*—The provisions of this act shall be effective without a declaration of martial law. The State Rangers may be used in the enforcement of the provisions of this act; if a sufficient number of rangers are not available, the governor is authorized to employ any number of men, to be designated as special rangers, and such men shall have all the power and authority of the regular rangers, and shall be paid the same salary as the rangers are paid, and such salaries shall be paid out of the appropriation made to the executive office for the payment of rewards and the enforcement of the law.

SEC. 17. *Construction of act.*—Nothing in this act shall be construed as limiting the power and authority of the governor to declare martial law and to call forth the militia for the purpose of executing the law when in the judgment of the chief executive it is deemed necessary so to do. This act shall be construed as cumulative of existing laws of this State, and shall not be held to repeal any of the same except where in direct conflict herewith.

CHAPTER 9.—*Industrial commission—Labor disputes*

SECTION 1. *Commission created.*—There is hereby created an industrial commission, composed of five members, one of said members to represent employers of labor, one to represent the employees or laborers, and three to represent the general public. The members of this commission shall be appointed by the governor, to hold office for a term of two years, or until their successors shall be appointed and qualified. The members of this commission shall serve without pay or salary, but the actual expenses incurred during hearings had by or before the commission and railway fare and hotel bills incurred by them shall be paid out of appropriations made to the executive office for the payment of rewards and the enforcement of the law until such time as the legislature may make appropriations to cover such items.

SEC. 2. *Organization.*—By a majority vote the members of this commission shall elect one of their members as chairman of the commission, to preside at all hearings had under the provisions of this act, with power and authority usually exercised by chairman in such capacity; and said commission shall have authority to employ a competent stenographer to act as secretary of such commission. The salary shall be paid out of the fund or funds described in section 1 of this act.

SEC. 3. *Duty of governor.*—When the Governor of Texas becomes convinced or has reason to believe that controversies between employers and employees are of such nature and character as to be of public concern or interest he shall refer, by proclamation, such controversy or controversies to the commission here created for hearing and report.

SEC. 4. *Proecdurc.*—The commission, and the members thereof, shall forthwith proceed to the place where the employees in the controversy may be located, or to such other place as may appear best to said commission for the purpose of making investigation and report; and said commission shall make investigation and hear testimony concerning the controversy between the employers and employees; and after said investigation shall have been completed a full report shall be made to the governor, covering the facts established by the investigations made and hearings had. Said commission shall make recommendations to the governor as to what action should be taken in reference to the controversy or the settlement thereof.

SEC. 5. *Hearings.*—All hearings had by this commission shall be open to the public: and the findings and recommendations of the commission shall be furnished to the news agencies and newspapers of the State, to be published by the several papers of this State as news items.

SEC. 6. *Reports.*—The commission shall also make full report to the legislature, if in session, and if not in session, then to the succeeding session of the legislature, setting forth the findings and recommendations, accompanied by a transcript of the testimony taken at the hearings provided for herein.

SEC. 7. *Powers.*—The commission shall have power to summon witnesses, to issue subpœnas, to compel attendance of witnesses, to compel production of books and records by witnesses, to punish for contempt, to hold sessions and to take testimony in or out of the State of Texas, and to pay witnesses as paid in felony cases, to administer oaths; and to have all powers now given by statutes of Texas to legislative investigation committees.

ACTS OF 1923

CHAPTER 41.—*Private employment offices*

SECTION 1. *Lieense.*—[No person may act as employment agent in the State without a license from the commissioner of labor statistics.]

SEC. 2. *Employment agent.*—[The term does not apply to offices which "charge a fee of not more than $2 for registration only, for procuring employment for school-teachers;" nor to State, municipal, or United States agencies; nor to farmers and stock raisers cooperating to secure help for themselves, charging no fee.]

SEC. 3 (amended 1923, 2d extra sess., ch. 42). *Applications.*—[Applications must have the indorsement of 5 credible citizens certifying to the citizenship and good character of the applicant, who must have resided 3 years in the State and 1 year in the county; the applicant must furnish bond in the sum of $5,000, conditioned on compliance with the act. A fee of $150 is required for each county in which an office is maintained, a license being required for each office. Action may be brought on the bond by any person injured or aggrieved by false statements by the agent or his violation of the act.]

SEC. 4. *Suits.*—[Suit on the bond may be prosecuted on account of false statements, etc., until a full recovery is had.]

SEC. 5. *Canceling licenses.*—[Licenses may be canceled if the holder is convicted of a felony, or the license was obtained by fraud, or the holder has violated this act. Charges must be filed and a hearing had before cancellation. Suit may be brought within 30 days, and not afterwards, to prevent such cancellation.]

SEC. 6. *Registers.*—[Agencies must keep record of all applicants, giving name, address, age, sex, nativity, and trade or occupation of applicants for work, and place and person to whom sent; also a register of employers seeking workmen, kind desired, wages offered, etc.]

SEC. 7. *Records to be open.*—[Books, papers, etc., are to be open to official inspection at any time.]

SEC. 8. *False advertisements, etc.*—[The use of false or misleading advertisements, etc., or making false statements to applicants is forbidden.]

SEC. 9. *Orders.*—[No applicant may be sent to an employer except on a bona fide written order.]

SEC. 10. *Fees.*—[Fees may not exceed $3, to be collected only after the applicant has accepted employment; but agencies exclusively for skilled, professional, or clerical positions may, with the written consent of the applicant, charge 20 per cent of the first month's salary.]

SEC. 11. *Dividing fees.*—[Dividing fees with the employer is forbidden.]

SEC. 12. *Receipts.*—[A receipt must be given for fees collected, showing amount, character, and place of work and address of the employer.]

SEC. 13. *Immoral, etc., resorts.*—[No agent may send any female to a place of immoral resort, the character of which he could have ascertained by reasonable diligence; nor may he permit any person of bad character to remain on his premises.]

SEC. 14. *Children.*—[Agents may not furnish employment to children in violation of the laws governing their employment.]

SECS. 15–19, 20 (amended 1923, 2d extra sess., ch. 42), 20 A (added same), 21–25. *Procedure; notice of strikes, etc.*—[These sections relate to procedure, evidence, penalties, etc. Employers may not make false statements; agents may not induce or attempt to induce persons to leave employment with a view to having them obtain employment through their agencies; notice must be given of the existence of strikes or lockouts, if any; and the provisions of the act are declared to be severable, so that the declared unconstitutionality of any part shall not be held to invalidate any other part.]

UTAH

CONSTITUTION

ARTICLE XII.—*Interference with employment*

SECTION 19. *Hindering employment.*—Every person in this State shall be free to obtain employment whenever possible, and any person, corporation, or agent, servant, or employee thereof, maliciously interfering or hindering in any way, any person from obtaining, or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a crime. The legislature shall provide by law for the enforcement of this section.

ARTICLE XVI.—*Employment of labor*

SECTION 1. *Rights of labor to be protected.*—The rights of labor shall have just protection through laws calculated to promote the industrial welfare of the State.

SEC. 2. *Board of labor, etc.*—The legislature shall provide by law, for a board of labor, conciliation and arbitration, which shall fairly represent the interests of both capital and labor. The board shall perform duties, and receive compensation as prescribed by law.

SEC. 3. *Certain employments, etc., prohibited.*—The legislature shall prohibit:

(1) The employment of women, or of children under the age of fourteen years, in underground mines.

(2) The contracting of convict labor.

(3) The labor of convicts outside prison grounds, except on public works under the direct control of the State.

(4) The political and commercial control of employees.

SEC. 4. *Exchange of blacklists.*—The exchange of blacklists by railroad companies, or other corporations, associations, or persons is prohibited.

SEC. 5 (as amended 1920). *Injuries causing death.*—The right of action to recover damages for injuries resulting in death, shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation, except in cases where compensation for injuries resulting in death is provided for by law.

SEC. 6. *Hours of labor.*—Eight hours shall constitute a day's work on all works or undertakings carried on or aided by the State, county, or municipal governments; and the legislature shall pass laws to provide for the health and safety of employees in factories, smelters, and mines.

SEC. 7. *Enforcement.*—The legislature, by appropriate legislation, shall provide for the enforcement of the provisions of this article.

COMPILED LAWS—1917

Wages as preferred claims in assignments

SECTION 296. *Rank.*—[Wages, not to exceed $400 each, earned in the preceding 3 months by workmen, clerks, salesmen, and servants, rank ahead of the claims of any other creditor of an assignor. Officers, general managers, and members of associations or partnerships are not entitled to this preference.]

Employment of children—General provisions

SECTION 1860. *Dangerous occupations.*—[Children under 16 may not be employed in specified dangerous occupations using acids, explosives, poisons, etc., or in occupations injurious to health or morals. For similar but longer list, see secs. 3145, 3148, Delaware Code.]

SECS. 1861–1863. *Certificates.*—[School officials issue employment certificates only on the personal appearance of the applicant and a showing that he has

attended school 100 days during the year prior to becoming 14 or applying for the certificate and can read and write English.]

SEC. 1864. *Enforcement.*—[Inspectors and truant officers may require evidence of age of any child apparently under 14 or his discharge.]

SEC. 1866. *Messengers.*—[No person under 21 may be employed in messenger or delivery service in cities of the first or second class between 9 p. m. and 5 a. m., nor be required to go to any house of ill repute or objectionable character in any city.]

SEC. 1867. *Hours.*—[Eight hours per day and 48 per week is the maximum for boys under 14 and girls under 16, except in farm or domestic service and fruit and vegetable packing.]

SECS. 1868–1871. *Street trades.*—[No girl under 16 and no boy under 12 may sell newspapers, etc., on the streets, and no boy under 12 may act as bootblack. Permits are required for boys under 16 showing current school attendance and normal physical development. Holders of permits may not engage in street occupations after 9 p. m.]

SEC. 1873. *Violations.*—[Employers and parents are subject to fine or imprisonment, or both, for violations of the law.]

SEC. 1874 (as amended, 1919, ch. 35). *Enforcement.*—[Enforcement rests with the industrial commission of the State.]

Protection of employees as voters

SECTION 2340. *Attempting to influence vote.*— * * * It shall be unlawful for any employer, either corporation, association, company, firm, or person, in paying its, their, or his employees the salary or wages due them, to inclose their pay in "pay envelopes" on which there is written or printed any political mottoes, devices, or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of such employees. Nor shall it be lawful for any employer either corporation, association, company, firm, or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their, or his factory, workshop, mine, mill, boarding house, office, or other establishment or place where its, their, or his employees may be working or be present in the course of such employment, any handbill, notice, or placard containing any threat, notice, or information that in case any particular ticket or candidate shall or shall not be elected, work in its, their, or his establishment shall cease in whole or in part, or its, their, or his establishment be closed, or the wages of its, their, or his workmen be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of its, their, or his employees. Any person or persons or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

SEC. 2341. *Same subject.*—It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or otherwise in any manner whatever to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and, in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 2379. *Forced contributions.*— * * * No corporation, public or private, shall deduct or in any manner withhold any salaries or part of salaries from its employees for political campaign expenses incurred in the past, present, or to be incurred in the future. * * *

Private employment offices

SEC. 2440 (as amended 1921, ch. 48). *License.*—[License must be procured from the city, town or county before engaging in business as an employment agent.]

SEC. 2441. *Duty of cities, etc.*—[Cities, towns and counties must arrange for the issue of licenses and establish rules for the conduct of the licensed agencies.]

SEC. 2443. *Fee, bond.*—[Fees shall be paid annually, in an amount fixed by the local authorities. A bond in the sum of $1,000 must be given, conditioned on observance of the law and to cover damages due to misrepresentation, fraud, etc. Transfer of licenses may be made as authorized by the local officials.]

SEC. 2444. *Exhibit.*—[The license granted must be publicly exposed in the place of business.]

SEC. 2445. *Places of ill repute.*—[Sending females to any place of bad repute or immoral resort is forbidden under penalty of fine of not less than $100 and imprisonment not less than 90 days, and rescission of license.]

SEC. 2446. *Orders.*—[No help shall be sent out except on a bona fide order; penalty same as above.]

SEC. 2447. *Advance fees.*—[No fee or other consideration of value may be received for securing employment until the information or assistance has been actually furnished.]

SEC. 2448. *Repayment.*—[If the applicant fails, through no fault of his own, to secure employment on the information furnished, the fee must be returned.]

SEC. 2449. *Amount of fee.*—[The fee is limited to 8 per cent of the first month's earnings, or 8 per cent of the prospective earnings, where it is mutually understood that employment is for less than one month.]

SEC. 2450. *Employers' register.*—[A register must be kept of employers seeking help, showing name and address, number desired, nature and location of work, and wages to be paid.]

SEC. 2451. *Applicants' register.*—[A register must be kept of all persons given information, the fee received, and if work was not secured, the reason therefor, and the name of persons to whom fees were returned as provided in section 2448. Registers must be open to official inspection.]

SEC. 2452. *Receipts.*—[Persons given information must be given a written statement in duplicate of the terms of the proposed employment, the fee paid, the kind of work, wages, term, etc., one copy to go to the employer and one to the employee, a third copy to be retained by the agent.]

SEC. 2453. *Dividing fees.*—[The penalty for dividing fees is the same as in section 2455.]

SEC. 2455. *False information.*—[The giving of false information or making false promises or failing to keep the registers required subjects to a fine of not more than $100, and, in the discretion of the trial judge, the license may be forfeited.]

Industrial commission

SECTION 3061. *Commission created.*—There is hereby created the Industrial Commission of Utah, to be composed of three members, who shall be appointed by the governor within thirty days after this title goes into effect. Two of the members of such commission shall be appointed for the term of two years and one for four years, and thereafter each member shall be appointed with the advice and consent of the senate, for the term of four years. Not more than two of the members of said commission shall belong to the same political party.

SEC. 3062. *Removals.*—The governor at any time may remove any member of the commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office.

SEC. 3063. *Other employment.*—No commissioner shall hold any office of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties as such commissioner, and no commissioner shall serve on any committee of any political party.

SEC. 3064. *Salary, bond, etc.*—Each of said commissioners shall receive an annual salary of $4,000, payable in the same manner as the salaries of other officers of the State are paid. Before entering upon the duties of his office, each commissioner shall take and subscribe to the constitutional oath of office, which oath shall be filed in the office of the secretary of state. Each member of the commission shall give a corporate surety bond in the sum of $10,000, which bond shall be approved by the governor and filed with the State treasurer. All employees or deputies of the commission receiving or disbursing funds of the State shall give corporate surety bonds to the State in amounts and with surety to be approved by the commission. The premiums of all bonds provided for in his section shall be paid out of the State treasury.

SEC. 3065. *Organization.*—Within thirty days after this title goes into effect the commission shall meet at the seat of government and organize by choosing one of its members as chairman. A majorty of the commission shall constitute a quorum to transact business. No vacancy shall impair the rights of the remaining commissioners to exercise all the powers of the commission; and in case a vacancy exists, the remaining members of the commission shall exercise all of the powers and authorities of the commisson until such vacancy is filled.

SEC. 3066. *Offices.*—The commission shall keep and maintain its offices at the State capitol, in suitable room or rooms. Necessary office furniture shall be furnished to the commission in the State capitol. The commission may hold sessions in any place within the State of Utah.

SEC. 3067. *Seal.*—The commission shall have an official seal for the authentication of its orders and proceedings, upon which seal shall be engraved the words, "The Industrial Commission of Utah," and such other design as the commission may prescribe; and the courts of this State shall take judicial notice of the seal of the commission, and in all cases copies of orders, proceedings, or records in the office of the Industrial Commission of Utah, certified by the Secretary of the said commission under its seal, shall be equal to the original as evidence.

SEC. 3068. *Sessions, etc.*—The commission shall be open for the transaction of business during all business hours of each and every day except Sunday and legal holidays. The sessions of the commission shall be open to the public. All proceedings of the commission shall be shown on its records, which shall be a public record, and all voting shall be had by calling each member's name by the secretary, and each member's vote shall be recorded on the proceedings as cast.

SEC. 3069. *Rules.*—Subject to the provisions of this title, the commission may adopt its own rules of procedure, and may change the same from time to time in its discretion.

SEC. 3070. *Employees.*—The commission may employ a secretary, deputies, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants, and fix their compensation. Such employment and compensation shall be first approved by the governor, and shall be paid out of the State treasury. The members of the commission, deputies, secretary, actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers, and other assistants that may be employed shall be entitled to receive from the State treasury their salaries or compensation, and also their actual and necessary expenses while traveling on the business of the commission, and the members of the commission may confer and meet with officers of other States and officers of the United States on any matters pertaining to their official duties. Such expenses shall be itemized and sworn to by the person who incurred the expense and allowed by the commission.

SEC. 3071. *Safe place.*—Every employer shall furnish employment and a place of employment which shall be safe for the employees therein, and shall furnish and use safety devices and safeguards, adopt and use methods and processes, and follow and obey orders of the commission, reasonably adequate to render such employment and place of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees.

SEC. 3072 (as amended 1921, ch. 67). *Guards, etc.*—No employer shall require or knowingly permit any employee to be in any employment or place of employment which is not safe, and no such employer shall fail to provide and use safety devices and safeguards, or fail to obey and follow orders of the commission, or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety, and welfare of his employees; and no employer or other person shall hereafter construct or occupy or maintain any place of employment that is not safe. Where injury is caused by the willful failure of the employer to comply with any statute of the State or any lawful order of the industrial commission, compensation as provided in this act shall be increased fifteen per cent, except in case of injury resulting in death.

SEC. 3073 (as amended 1921, ch. 67). *Removing guards, etc.*—No employee shall remove, displace, damage, destroy, or carry off any safety device or

safeguard provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment, nor fail or neglect to follow and obey orders and to do every other thing reasonably necessary to protect the life, health, safety and welfare of employees.

(a) Where injury is caused by the willful failure of the employee to use safety devices where provided by the employer, or,

(b) Where injury results from the employee's willful failure to obey any order or reasonable rule adopted by the employer for the safety of the employee, or,

(c) Where injury results from the intoxication of the employee, compensation provided therein shall be reduced fifteen per cent.

The above provisions do not apply in death benefits.

SEC. 3074. *Access to work places.*—Any commissioner or deputy of the commission may enter any place of employment for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employees therein, and bring to the attention of every employer any law, or any order of the commission, and any failure on the part of such employer to comply therewith. No employer shall refuse to admit any commissioner or deputy of the commission to his place of employment.

SEC. 3075. *Power of commission.*—The commission is vested with the power and jurisdiction to have such supervision of every employment and place of employment and of every building and establishment in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring every employment and place of employment to be safe, and requiring the protection of the life, health, safety, and welfare of every employee in such employment or place of employment.

SEC. 3076 (as amended 1921, ch. 67). *Same.*—It shall also be the duty of the commission, and it shall have full power, jurisdiction, and authority:

(1) To administer and enforce all laws for the protection of life, health, safety, and welfare of employees:

(2) To ascertain and fix such reasonable standards and prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection, to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety, and welfare of employees in employment and places of employment:

(3) To ascertain, fix, and order such reasonable standards for the construction, repair, and maintenance of places of employment as shall render them safe:

(4) To investigate, ascertain, and determine such reasonable classifications of persons, employments, and places of employment as shall be necessary to carry out the purposes of this title:

(5) To do all in its power to promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees:

(6) To establish and conduct free employment agencies, and license, supervise and regulate private employment officers and to do all in its power to bring together employers seeking employees and working people seeking employment and to make known the opportunities for employment in this State:

(7) To collect, collate, and publish all statistical and other information relating to employees, employers, employments, and places of employment and such other statistics as it may deem proper:

(8) Upon petition by any person that any employment or place of employment is not safe or is injurious to the welfare of any employee the commission shall proceed, with or without notice, to make such investigation as may be necessary to determine the matter complained of. After such investigation the commission shall enter such order relative thereto as may be necessary to render such employment or place of employment safe and not injurious to the welfare of the employees therein.

Whenever the commission shall believe that any employment or place of employment is not safe or is injurious to the welfare of any employee it may of its own motion summarily investigate the same, with or without notice, and issue such order as it may deem necessary to render such employment or place of employment safe;

(9) All duties, liabilities, authority, powers, and privileges conferred and imposed by law upon the commissioner of immigration, labor, and statistics, State mine inspector of coal and hydro-carbon mines, and board of conciliation and arbitration are hereby imposed upon the commission. All laws relating to the commissioner of immigration, labor, and statistics, State mine inspector of coal and hydro-carbon mines, and board of conciliation and arbitration shall apply, to, relate, and refer to the Industrial Commission of Utah. The Industrial Commission of Utah shall be deemed the commissioner of immigration, labor, and statistics, State mine inspector of coal and hydro-carbon mines, and board of labor conciliation and arbitration within the meaning of the existing laws;

(10) All orders of the commission in conformity with law shall be valid and in force and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose pursuant to the provisions of this title or until altered or revoked by the commission;

(11) All general orders of the commission shall take effect within thirty days after their publication; special orders shall take effect as therein directed.

The commission shall, upon application of any employer, grant such time as may be reasonably necessary for compliance with any order.

Any person may petition the commission for an extension of time, which the commission shall grant if it find such extension of time necessary.

SEC. 3077 (as amended 1921, ch. 67). *Hearing.*—(1) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness and lawfulness of any order of the commission provided in this title.

(2) Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired, and every reason why such order is unreasonable or unlawful, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objection to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

(3) Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming, without hearing, its previous determination, or if such hearing is necessary to determine the issue raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question at such time as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

(4) Upon such investigation, if it shall be found that the order complained of is unlawful or unreasonable, the commission shall substitute therefor such other order as shall be lawful and reasonable.

(5) Whenever, at the time of final determination upon such hearing, it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

SEC. 3078. *Application.*—No action, proceeding, or suit to set aside, vacate, or amend any order of the commission or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 3077 and in the petition therefor shall have raised every issue raised in such action. Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable, and lawful, unless prior to the institution of the prosecution for such violation an action shall have been brought to vacate and set aside such order, as provided in section 3087.

SEC. 3079. *Powers.*—Each of the commissioners and the secretary of the commission, for the purposes mentioned in this title, shall have power to administer oaths, certify to official acts, issue subpœnas, compel attendance of witnesses and the production of papers, books, accounts, documents, and testimony. In case of the failure of any person to comply with any order of the commission or any subpœna lawfully issued, or upon the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county in this State, on the application of a commissioner, to compel obedience by attachment proceedings for contempt,

as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

SEC. 3080. *Witnesses.*—Each witness who shall appear before the commission by its order shall receive for his attendance the fees and mileage now provided for witnesses in civil cases in the district court, which shall be audited and paid by the State out of the State treasury, in the same manner as other expenses are audited and paid, upon the presentation of properly verified vouchers approved by the chairman of the commission. But no witness subpœnaed at the instance of the parties other than the commission shall be entitled to compensation from the State for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated.

SEC. 3081. *Depositions.*—The commission or any party may in any investigation cause depositions of witnesses residing within or without the State to be taken as in civil actions.

SEC. 3082. *Records.*—A full and complete record shall be kept of all proceedings had before the commission on any investigation, and all testimony shall be taken down by a stenographer appointed by the commission.

SEC. 3083. *Rules, etc., to be published.*—Publication of rules and orders of the commission shall be made by the commission in pamphlet form, to be furnished on demand at the office of the commission. The expenses of publication shall be audited and paid as are other expenses of the commission.

SEC. 3084. *Agents.*—1. For the purpose of making any investigation with regard to any employment or place of employment, the commission shall have power to appoint, by an order in writing, any member of the commission, any deputy, or any other competent person who is a resident of the State as an agent, whose duty shall be prescribed in such order.

2. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this title to the commission, and the same powers as a referee appointed by a district court with regard to taking testimony.

3. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so orders, nor further investigation.

SEC. 3085. *Attorneys.*—The commission shall have authority to direct any deputy to act as special prosecutor in any action, proceeding, investigation, hearing, or trial relating to matters within its jurisdiction.

Upon the request of the commission, the attorney general, district attorney, or the county attorney of the county in which any investigation, hearing, or trial had under the provision of this title is pending, shall aid therein and prosecute, under the supervision of the commission, all necessary actions or proceedings for the enforcement of this title and all other laws of this State relating to the protection of life, health, safety, and welfare, and for the punishment of all violations thereof.

SEC. 3086. *Compliance.*—A substantial compliance with the requirements of this title shall be sufficient to give effect to the orders of the commission and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

SEC. 3087 (as amended 1921, ch. 67). *Action to vacate orders.*—Any employer or other person in interest, being dissatisfied with any order of the commission pertaining to employment or places of employment as to requiring protection of life, health, safety, and welfare of employees in such employment or places of employment, may commence an action in the district court of the county where the property, plant or place of employment affected by such order may lie, against the commission as defendant, to set aside, vacate, or amend any such order, on the ground that the order is unreasonable or unlawful, and the district court is hereby authorized and vested with exclusive jurisdiction to hear and determine such action. The commission shall be served with summons as in other civil cases. The answer of the commission shall be filed within ten days after service of summons upon it, and with its answer it shall file a certified transcript of its record in said matter. Upon the filing of said answer, said action shall be at issue, and shall be advanced

and assigned for trial by the court, upon the application of either party, at the earliest possible date.

SEC. 3088. *Procedure.*—(1) If upon the trial of such action it shall appear that all issues arising in such action have not theretofore been presented to the commission in the petition filed as provided in section 3077, or that the commission has not theretofore had ample opportunity to hear and determine any of the issues raised in said action, or for any reason has not in fact heard and determined the issues raised, the court shall, before proceeding to render judgment, unless the parties to such action stipulate to the contrary, transmit to the commission a full statement of such issue or issues not adequately considered, and shall stay further proceedings in such action for fifteen days from the date of such transmission, and may thereafter grant such further stay as may be necessary.

(2) Upon the receipt of such statement, the commission shall consider the issues not theretofore considered, and may alter, modify, amend, or rescind its order complained of in said action, and shall report its order thereon to said court, within ten days from the receipt of the statement from the court, for further hearing and consideration.

(3) The court shall thereupon order the pleading to be so amended as to raise the issues resulting from such alteration, modification, amendment, or recision of the commission's order, and shall thereafter proceed with such action in the manner provided by law for other civil actions.

SEC. 3089 (as amended 1921, ch. 67). *Review.*—No court of this State, except the district court and the supreme court on appeal, shall have jurisdiction to review, vacate, set aside, reverse, revise, correct, amend, or annul any order of the commission pertaining to the employment or places of employment as to requiring to [sic] protection of life, health, safety, and welfare of employees in such employment or places of employment, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties: *Provided*, That the writ of mandamus shall lie from the said supreme court to the commission in all proper cases.

SEC. 3090. *Suspension.*—The pendency of an action to set aside, vacate, or amend an order of the commission shall not of itself stay or suspend the operation of an order of the commission; but, during the pendency of said action, the said district court in its discretion may stay or suspend, in whole or in part, the operation of the commission's order. But no order so staying or suspending an order of the commission shall be made by the said court otherwise than upon three days' notice and after hearing. In case the order is stayed or suspended, the order of the court shall not become effective until a suspending bond first shall have been executed and filed in the action and approved by the court or the clerk thereof, payable to the State of Utah, and sufficient in amount and security to insure the prompt payment by the party petitioning to set aside, vacate, or amend such order of all damages caused by the delay in the enforcement of the order of the commission.

SEC. 3091. *Precedence.*—All actions and proceedings under this title and all actions or proceedings to which the commission or this State may be parties, and in which any question arises under this title or under or concerning any order of the commission, shall be preferred over all other civil cases, except election causes and causes involving or affecting the public utilities commission, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the commission in any action or proceeding in which he may be allowed to intervene.

SECS. 3092, 3093. *Violation.*—[Violation or failure to comply with this act entails a fine, $50 to $1,000 for first offense, and $100 to $5,000 for each subsequent offense. Each day is a separate offense.]

SEC. 3094 (as amended 1921, ch. 67). *Employers' statements.*—Every employer shall furnish the commission upon request all information required by it to carry out the purpose of this title. In the month of July of each year every employer shall prepare and mail to the commission at the State capitol, Salt Lake City, Utah, a statement containing the following information, viz: The number of employees employed during the preceding year from July 1 to June 30, inclusive; the number of such employees employed at each kind of employment; and the scale of wages paid to each class of employment, showing the minimum and maximum wage paid, and the aggregate amount of wages paid to all employees; which information shall be furnished on a blank or blanks to be prepared by the commission; and it shall be the

duty of the commission to furnish such blanks to employers free of charge, upon request therefor. Every employer shall cause said blanks to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the commission, in writing, good and sufficient reasons for such failure. The commission may require the information herein required to be furnished to be certified under oath and returned to the commission within the period fixed by it or by law. The commission, or any member thereof, or any person employed by the commission for that purpose, shall have the right to examine, under oath, any employer, or the officer, agent, or employee thereof, for the purpose of ascertaining any information which such employer is required by this title to furnish to the commission.

Any employer who shall refuse to furnish to the commission the annual statement herein required, or who shall refuse to furnish such other information as may be required by the commission under authority of this section, or who shall willfully furnish a false or untrue statement, shall be liable to a penalty of not to exceed $500 for each offense, to be collected in a civil action brought against said employer in the name of the State; all such penalties, when collected, shall be paid into the State treasury.

SEC. 3112 (as amended 1921, ch. 67). *Definitions.*—The following terms as used in this title shall be construed as follows:

(1) The term "order" shall mean and include any decision, rule, regulation, direction, requirement or standard of the commission, or any other determination arrived at or decision made by such commission.

(2) The term "general order" shall mean and include such order as applies generally throughout the State to all persons, employments or places of employment of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(3) The term "welfare" shall mean and include comfort, decency, and moral well-being.

(4) The terms "safe" and "safety" as applied to any employment or a place of employment, shall mean such freedom from danger to the life, health, safety or welfare of employees as the nature of the employment will reasonably permit.

(5) The words "personal injury by accident arising out of or in the course of employment" shall include an injury caused by the willful act of a third person directed against an employee because of his employment.

They shall not include a disease except as it shall result from the injury.

(6) The term "compensation" shall mean the compensation and benefits provided for in this title.

(7) The term "award" shall mean the finding or decision of the commission as to the amount of compensation due any injured, or the dependents of any deceased employee.

(8) The term "average weekly earnings" shall mean the average weekly earnings arrived at by rule provided in section 3142.

SEC. 3156. *Injuries.*—Every employer shall keep a record of all injuries, fatal or otherwise, received by his employees arising out of and in the course of their employment. Within a week after the occurrence of an accident resulting in personal injury, a report thereof shall be made in writing to the commission upon blanks to be procured from the commission for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address, and occupation of the injured employee, and shall state the time, the nature, and cause of injury and such other information as may be required by the commission. Any employer who refuses or neglects to make any report required by this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than $500 for such offense.

SEC. 3157. *Enforcement.*—Upon the request of the commission, the attorney general or, under his direction, any district attorney or the county attorney of any county, shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this title, or for the recovery of any money due the State insurance fund, or any penalty herein provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions, or proceedings brought against the commission or the members thereof in their official capacity.

SEC. 3158. *Expenditure for information.*—The commission may make necessary expenditures to obtain statistical and other information provided for herein.

SEC. 3159 (as amended 1921, ch. 67). *Annual report.*—On or before the fifteenth day of December preceding the regular sessions of the legislature the commission under the oath of at least two of its members shall make a report to the governor for the preceding biennial period, which shall include a statement of the number of awards made by it and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the expense fund, and the condition of its respective funds, together with any other matters which the commission deems proper to call to the attention of the governor, including any recommendations it may have to make, and it shall be the duty of the commission from time to time to publish and distribute among employers and employees such general information as to the business transacted by the department as in its judgment may be useful.

SEC. 3161. *Restraining order.*—No injunction shall issue suspending or restraining any order, classification, or rate adopted by the commission, or any action of the State auditor, State treasurer, attorney general, or the auditor or treasurer of any county required to be taken by them or any of them by any of the provisions of this title, but nothing herein shall affect any right or defense in any action brought by the commission or the State in pursuance of authority contained in this title.

SEC. 3162. *Provisions severable.*—Should any section or provision of this title be decided by the courts to be unconstitutional or invalid the same shall not affect the validity of the title as a whole or any part thereof other than the part so decided to be unconstitutional.

Arbitration of labor disputes—State board

SECTION 3634. *Appointment of board.*—* * * The governor by and with the consent of the senate shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State board of labor, conciliation, and arbitration. One shall be an employer of labor, another shall be an employee and be selected from some labor organization, the third shall be some person who is neither an employee nor an employer of manual labor and shall be chairman of the board. One shall serve for one year, one for three years, and one for five years, as may be designated by the governor at the time of their appointment. At the expiration of their terms their successors shall be appointed in like manner for the term of four years. Should a vacancy occur at any time the governor shall in the same manner appoint some one to serve the unexpired term and until the appointment and qualification of his successor. Each member of said board shall before entering upon his duties take the constitutional oath of office.

SEC. 3635. *Secretary.*—The board shall select from its members a secretary and shall establish suitable rules of procedure.

SEC. 3636. *Mediation.*—Whenever it shall come to the knowledge of the said board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the said board to put itself into communication as soon as may be with such employer and employees and endeavor by mediation to effect an amicable settlement. Said board shall also request each of the parties to forward to its secretary an application for arbitration.

SEC. 3637. *Applications for arbitration.*—As soon as practicable after receiving such applications the board shall request each of the parties to the dispute to agree upon a written statement of facts relating to the controversy, and to submit the same to the board: *Provided*, That when such agreement and statement can not be reached, each of said parties may separately submit to the board a written statement of grievances. Applications to the said board for arbitration on the part of employers must precede any lockout, and, on the part of the employees, any strike: *Provided*, That, in case a lockout or strike already exists, the board shall accord arbitration if the parties shall resume their relations with each other, as employers and employees. Said applications shall include a promise to abide by the decision of the board and shall be signed by the employer or employers, or his or their authorized agent, on the one side, and by a majority of his or their employees on the other.

SEC. 3638. *Duty of board.*—As soon as practicable after receiving said applications the board shall proceed to arbitrate. When it shall be necessary, in the judgment of said board, it may engage the services of a stenographer to take and transcribe an account of any arbitration proceedings.

SEC. 3639. *Power to summon witnesses, etc.*—The board shall have power to summon as witnesses by subpœna any operative or expert in departments of business affected, and any person who keeps the record of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses, and to require the production of books, papers, and records. In case of disobedience to a subpœna the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy, or refusal to obey a subpœna issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 3640. *Duty of mayors and sheriffs.*—It shall be the duty of mayors of cities and sheriffs of counties when any condition likely to lead to a strike or lockout exists in the cities or districts where they have jurisdiction, to immediately forward information of the same to the secretary of the State board of conciliation and arbitration. Such information shall include the names and addresses of persons who should be communicated with by the board.

SEC. 3641. *Service of process.*—Any notice or process issued by the State board of labor, conciliation, and arbitration shall be served by any sheriff to whom the same may be directed or in whose hands the same may be placed for service without charge.

SEC. 3642. *Decision.*—As soon as practicable after the board has investigated the differences existing between employer and employees, it shall make an equitable decision, which shall state what, if anything, should be done by either or both parties to the dispute, in order to amicably settle and adjust the differences existing between them. The findings of a majority of the board shall constitute its decision.

SEC. 3643. *Publication, etc.*—This decision shall at once be made public; shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in an annual report to be made to the governor before the 1st day of March of each year.

SEC. 3644. *Compensation of board.*—The members of the board shall each receive a compensation of $4 for each day's service while engaged in arbitration, said compensation to be paid by the parties to the controversy in such proportion as the board may decide; they shall also receive the actual and necessary expenses incurred in the performance of their official duties, which expenses shall be paid out of the State treasury.

Labor organizations—Injunctions—Contempts

SECTION 3651. *Organizations lawful.*—It shall not be unlawful for working men and women to organize themselves into, or carry on, labor unions for the purpose of lessening the hours of labor, increasing the wages, bettering the conditions of the members of such organization; or carrying out their legitimate purposes as freely as they could do if acting singly.

SEC. 3652. *Injunctions limited.*—No restraining order or injunction shall be granted by any court of the State of Utah, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employers, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property rights must be described with particularity in the application, which must be in writing and sworn to by the applicant, or by his agent or attorney.

SEC. 3653. *What may not be prohibited.*—And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others

by peaceful means and lawful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of the law of the State of Utah.

SEC. 3654. *Contempts.*—Whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some creditable person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged, with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however,* That if the accused, being a natural person, fail and refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

SEC. 3655. *Trial.*—In all cases within the purview of this chapter such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

SEC. 3656. *Judgment.*—If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the State of Utah, or to the complainant, or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the State of Utah exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months: *Provided,* That in any case the court or a judge thereof may, for good cause shown, by affidavit, or proof taken in open court or before such judge and filed with the papers in the case, dispense with the rule to show cause, and may issue an attachment for the arrest of the person charged with contempt; in which event such person, when arrested, shall be brought before such court or a judge thereof without unnecessary delay, and shall be admitted to bail in reasonable penalty for his appearance to answer to the charge or for trial for the contempt; and thereafter the proceedings shall be the same as provided herein in case the rule had issued in the first instance.

SEC. 3657. *Labor not a commodity.*—The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

SEC. 3658. *Jury trial.*—In all cases where persons are charged with contempt of court for the violation of writs of injunction, issued within the purview of this chapter, unless such contempt be committed in the immediate presence of the court, the accused shall have the right to a jury trial upon demand,

and, in case a jury trial be demanded such jury shall be selected and impaneled as in criminal cases, and the trial shall conform as nearly as may be to the district court practice in criminal cases.

An act of the Massachusetts Legislature (ch. 778, Acts of 1914, similar to the foregoing in several respects, was held unconstitutional by the supreme court of the State. Bogni *v.* Perotti (1916), 224 Mass. 152, 112 N. E. 853.

Hours of labor

Section 3666. *Eight hours a day's labor on public works, etc.*—Eight hours shall constitute a day's work in all penal institutions in this State, whether State, county, or municipal, and on all works and undertakings carried on or aided by the State, county, or municipal governments. Any officer of the State or of any county or municipal government or any person, corporation, firm, contractor, agent, manager, or foreman who shall require or contract with any person to work in any penal institution or upon such works or undertakings longer than eight hours in one calendar day, except in cases of emergency where life or property is in imminent danger, shall be guilty of a misdemeanor.

Sec. 3667. *In mines and smelters.*—The period of employment of working men in all underground mines or workings and in smelters and all other institutions for the reduction or refining of ores or metals shall be eight hours per day, except in cases of emergency where life or property is in imminent danger. Any person, body corporate, agent, manager, or employer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Held to be constitutional. 14 U. Rep. 71, 96; 18 Sup. Ct. 383.
An employee working more than eight hours is a violator of the law equally with his employer. The law will not be construed so as to require an employer to pay for the excess of eight hours' services rendered by an employee. 57 Pac. 720.

Employment of women and children

Section 3668. *Employment in mines and smelters.*—It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age or any female to work in any mine or smelter in the State of Utah. Any person, firm, or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 3669. *Seats for female employees in stores, etc.*—The proprietor, manager, or person having charge of any store, shop, hotel, restaurant, or other place where women or girls are employed as clerks or help therein shall provide chairs, stools, or other contrivances where such clerks or help may rest when not employed in the discharge of their respective duties. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 3671. *Minimum wage.*—It shall be unlawful for any regular employer of female workers in the State of Utah to pay any woman less than the wage in this section specified, to wit:

For minors, under the age of eighteen years, not less than 75 cents per day; for adult learners and apprentices, not less than 90 cents per day: *Provided*, That the learning period or apprenticeship shall not extend for more than one year; for adults who are experienced in the work they are employed to perform, not less than $1.25 per day.

Sec. 3672. *Certificate of apprenticeship.*—All regular employers of female workers shall give a certificate of apprenticeship for time served to all apprentices.

Sec. 3673. *Violations.*—Any regular employer of female workers who shall pay to any woman less than the wage specified in section 3671 shall be guilty of a misdemeanor.

Sec. 3674. *Enforcement.*—The commissioner of immigration, labor, and statistics shall have general charge of the enforcement of this chapter, but violations of the same shall be prosecuted by all the city, State, and county prosecuting officers in the same manner as in other cases of misdemeanor.

Administration is conferred on the industrial commission. (See sec. 3076.)

Sec. 3677 (as amended 1919, ch. 70). *Eight-hour day; exemptions.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, restaurant, or telegraph or telephone establish-

ment, hospital, or office, or by any express or transportation company in this State more than eight hours during any one day (said eight hours to be worked in not more than two working periods and within twelve consecutive hours) or more than forty-eight hours in any one week, except in cases of emergency where life or property is in imminent danger: *Provided, however*, That this act shall not apply to persons or corporations engaged in the packing or canning of perishable fruits or vegetables, nor to the manufacturers of containers of the same during the packing season.

SEC. 3678 (as amended 1917, ch. 70). *Violations.*—[The penalty for violations is a fine of not less than $25 nor more than $100 and costs.]

Blacklisting

SECTION 3680. *Blacklisting forbidden.*—No company, corporation, nor individual shall blacklist, or publish, or cause to be published or blacklisted, any employee, mechanic, or laborer, discharged or voluntarily leaving the service of such company, corporation, or individual, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company, or individual.

SEC. 3681. *Violations.*—[Violation of the above section is punishable by a fine not less than $500 or more than $1,000, or imprisonment 60 days to 1 year.]

Liability of employers for injuries to employees—Fellow servants

SECTION 3682. *Vice principals defined.*—All persons engaged in the service of any person, firm, or corporation, foreign or domestic, doing business in this State, who are intrusted by such person, firm, or corporation as employer with the authority or superintendence, control, or command of other persons in the employ or service of such employer, or with the authority to direct any other employee in the performance of any duties of such employee, are vice principals of such employer and are not fellow servants.

The conductor of a railway train is not a fellow servant with a brakeman. 6 U. Rep. 132.
Nor is a car inspector. 6 U. Rep. 357, 23 Pac. 762.
Nor a locomotive engineer. 7 U. Rep. 288, 26 Pac. 579.
A foreman in a mine is not a fellow servant with a miner working under him. 4 U. Rep. 468, 11 Pac. 612.

SEC. 3683. *Fellow servants.*—All persons who are engaged in the service of such employer, and who, while so engaged, are in the same grade of service and are working together at the same time and place and to a common purpose, neither of such persons being intrusted by such employer with any superintendence or control over his fellow employees, are fellow servants with each other: *Provided*, That nothing herein contained shall be so construed as to make the employees of such employer fellow servants with other employees engaged in any other department of service of such employer. Employees who do not come within the provisions of this section shall not be considered fellow servants.

The above definition of the term "fellow servants" is one that the legislature could constitutionally make. 18 U. Rep. 410, 55 Pac. 367.
A miner is not a fellow servant with a tool carrier, whose only duty is to supply sharp tools and remove dull ones; nor with a man who manages and operates the cage by which miners enter and leave the mine. 24 U. Rep. 513, 68 Pac. 845.
The manifest purpose of the statute is to abolish the common-law doctrine of fellow service. 99 Pac. 1067.

Wages as preferred claims—In receiverships, etc.

SECTION 3684. *Rank.*—[This section provides the same preference in receivership as made for assignments by sec. 296.]

SECS. 3685, 3686. *Procedure; costs.*—[These sections relate to procedure and provide that costs shall be allowed the prevailing party in case of a contest of any claim submitted.]

Suits for wages—Attorneys' fees

SECTION 3687. *Fee allowed, when.*—[In a suit for wages, if the claimant shows that at least 15 days before bringing suit a demand was made in writing for

a sum not greater than the amount recovered, an attorney's fee will be taxed as costs, not over $5 in a justice's court, or $10 in a district court except in cases appealed from a justice's court, when $25 will be allowed.]

Interference with employment

Section 3688. *Interference prohibited.*—It shall be unlawful for any person, persons, associations of persons, combination of persons, or body of persons to interfere with the rights of any individual engaged in labor, to exercise his full privileges under the Constitution of this State or of the United States, as to where he shall be employed, by whom he shall be employed and at what compensation he shall be employed. Anyone violating the provisions of this section shall be guilty of a misdemeanor.

Mine regulations

Sections 3910-3914. *Inspector.*—[The governor is authorized to appoint an inspector of coal and hydrocarbon mines, also a deputy, by and with the consent of the Senate. These men are to have technical and practical qualifications, and give their whole time to their duties. The inspector's salary is $2,000, and the deputy's, $1,500. A bond in the sum of $5,000 is required of the inspector. Mine owners must assist in the inspection of their mines.]

Secs. 3915-3923. *Regulations.*—[Maps must be provided and revised at least every 6 months; annual reports made of operations, employees, days worked, accidents, new workings, etc.; escape shafts, cages, hoisting, haulage roads, ventilation, etc., are regulated; stretchers must be kept at suitable places; sprinkling provided for dusty mines; timbers supplied, and speaking tubes or other signal system be provided in shafts where men are hoisted or lowered by machinery. Rules require the employment of a certified mine foreman, prescribe precautions in gaseous mines, regulate blasting, the storage and handling of explosives, the location of refuge holes, the use of lights, oils, etc.]

Sec. 3924. *Accidents.*—[Notice must be given to the inspector of accidents causing loss of life or serious injury and notice of the inquest in cases of death. It is the duty of the inspector to investigate the accident and give directions for future safety.]

Sec. 3925 (as amended 1923, ch. 10). *Board of examiners.*—[District courts in each county appoint a board at the request of the State inspector, whose duty it is to examine persons as to their competency to serve as mine bosses. The inspector, an operator, and a miner constitute the board. Mine bosses and fire bosses must hold certificates from this board.]

Sec. 3926. *Violations.*—[Fines of not less than $100 nor more than $500 are the penalties for violations of this law.]

Secs. 3930-3934. *Weighing coal.*—[Where miners are paid by weight, suitable scales must be provided, which the inspector must test. A checkweighman may be employed by the miners.]

Secs. 3942, 3943, 3944 (as amended 1921, ch. 80), 3945, 3946. *Safety; first aid.*—[These sections relate to fire apparatus at certain mines, the provision of safety cages for hoisting and lowering workmen, the storage of powder, and the furnishing of first-aid supplies at mines.]

Employment of children—School attendance

Section 4740. *Requirement.*—[Attendance up to 16 years of age is required unless the services of the child are necessary to the support of the mother or an invalid father.]

Railroads—Safety appliances—Accidents

ARTICLE IV

Sections 4810. *Power of commission.*—The [public utilities] commission shall have power, by general or special orders, rules, or regulations, or otherwise, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in such manner as to promote and safeguard the health and safety of its employees, passengers, customers, and the public, and to this end to prescribe, among other things, the

installations, use, maintenance, and operation of appropriate safety or other devices or appliances, including interlocking and other protective devices at grade crossings, or junctions, and block or other system of signaling, to establish uniform or other standards of construction and equipment, and to require the performance of any other act which the health or safety of its employees, passengers, customers, or the public may demand.

SEC. 4812. *Accidents.*—[The commission shall investigate accidents causing personal injury or loss of life if in their judgment investigation is required, and may make orders and recommendations in regard thereto.]

Alien labor—Preference of citizens on public works

SECTION 4865. *Who to be preferred.*—In employing workmen in or on the construction of public works by the State, county, or municipality, or by persons contracting with the State, county, or municipality, preference shall be given citizens of the United States or those having declared their intention of becoming citizens. In each contract for the construction of public works the provisions shall be inserted to the effect that if the provisions of this section are not complied with the contract shall be void.

Garnishment of wages of public employees

SECTION 6754. *Allowance.*—[Wages owed an employee of the State or a subdivision are subject to garnishment, attachment, etc., as in case of other persons.]

Exemption of wages from execution, etc.

SECTION 6923. *Child's earnings.*—[The earnings of a minor child of a debtor are exempt from execution unless the debt was incurred for the special benefit of the child.]

SEC. 6925. *Amount exempt.*—[One-half the earnings of a judgment debtor, earned within 30 days next preceding the levy, is exempt, on a showing that it is necessary for the support of his family, resident in the State. If the earnings are $2 a day or less, $30 per month are exempt.]

Wages as preferred claims—In administration

SECTIONS 7666, 7667. *Rank.*—[Wage debts come next after funeral expenses, expenses of last sickness, the family allowance, and costs of administration.]

Foremen, etc., receiving fees for employment

SECTION 8328 (as amended 1919, ch. 130). *Scope; fees forbidden.*—Any person or persons employed in or about any industrial plant, railroad, construction camp, foundry, factory, mine, smelter, mill, or other industrial concern in the State of Utah, or who acts as agent, or interpreter for or in connection with the employment of any laborer, or other person for any such concern, is hereby prohibited from soliciting, accepting, receiving, or causing to be solicited, accepted, or received, any compensation or gifts of money or any other consideration, directly or indirectly, for or on account of the employment or the continuance of the employment of any laborer or other person in or about any such concern or for any service rendered or influence used in connection with the employment of any laborer or other person in or about any such concern. Any person violating this section or any provision hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not less than thirty days nor more than six months.

For the purposes of this section any person who has paid or has been solicited to pay any compensation or who has made any gifts of money or any other consideration for or on account of his employment or the continuance of his employment or for any service performed in connection with his employment shall not be deemed an accomplice.

[The following sections were enacted by chapter 130, Acts of 1919, in connection with the foregoing amended section:]

SEC. 2. *Interpreters.*—Any person employed or seeking employment by any industrial plant, railroad, construction camp, foundry, factory, mine, smelter, mill or other industrial concern in the State of Utah is hereby prohibited from

paying or giving directly or indirectly any consideration or gift to any person employed by or acting as interpreter for such concern, for the purpose of securing employment by or continuing in the employment of such concern. Any person violating this section or any provision hereof shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of $25 or by imprisonment for thirty days or by both such fine and imprisonment.

SEC. 3. *Notice to be posted.*—Every employer as defined in section 1 hereof shall post and maintain notices, printed or written in plain type or script in at least two conspicuous places where said notices can be seen by said employees as they go to and from their work, setting forth the provisions of this act in language understood by the employees, said printed notices to be furnished by the Industrial Commission of Utah upon request of the employer. Failure to comply with the provisions of this section shall constitute a misdemeanor.

Coercion of workmen, etc.—Joining unions

SECTION 8329. *Coercion, etc., forbidden.*—It shall be unlawful for any person to exact, by threat, or coercion, any money, tribute, or support whatsoever from any person; or to induce him, by threats, or coercion, to join any organization.

SEC. 8330. *Violations.*—Any person violating any of the provisions of the preceding section shall be guilty of a misdemeanor: *Provided*, That any person who commonly practices, or who follows the occupation of exacting money, tribute, or support from any person by means of threats or coercion, for any purpose whatsoever, shall be deemed a common vagrant and punished accordingly.

Protection of employees on street railways

SECTIONS 8487–8489. *Vestibules.*—[These sections require the installation of vestibules for the protection of motormen, etc., on street railways between November 1 and April 1 of each year. Penalties are not less than $50 nor more than $250, each day's violation being a separate offense.]

Interference with employment—Intimidation

SECTION 8493. *Threats.*—Any person or persons in this State who shall threaten to destroy property or to do bodily harm, for the purpose of preventing any person or persons from entering or remaining in the employ of any company, corporation, or individual, shall be guilty of a misdemeanor.

Protection of employees as traders, etc.

SECTION 8513. *Influencing employees in choice of boarding house, etc.*—Every person, body corporate, agent, manager, or employer doing business in the State of Utah who, by coercion, intimidation, threats, or undue influence, compels his employees to board at a particular boarding house, or to trade with or at a particular store, shall be deemed guilty of a misdemeanor.

ACTS OF 1919

CHAPTER 71.—*Payment of wages*

SECTION 1. *Payment on discharge.*—Whenever an employer discharges an employee, the wages earned and unpaid at the time of such discharge shall become due and payable immediately. When any such employee not having a contract for a definite period quits or resigns his employment the wages earned and unpaid at the time of such quitting or resignation shall be due and payable at the employee's next regular pay day.

SEC. 2. *Semi-monthly pay day.*—All wages, other than those mentioned in section 1 of this act, earned by any person, shall be due and payable at least twice in each month, and no person, firm, or corporation for whom such labor has been performed shall withhold from any such employee any wages so earned or unpaid for a longer period than ten days after such wages become due and payable: *Provided, however*, That nothing herein shall in any way limit or interfere with the right of any employee to accept from any person, firm, or corporation wages earned and unpaid for a shorter period than ten days.

SEC. 3. *Penalties.*—In the event that an employer shall fail to pay, without abatement or authorized deduction, then the same shall become due under the provisions of section 1 of this act, any wages of an employee who is discharged or who resigned or quits, as in said section 1 provided, then, as a penalty for such nonpayment, the wages of such servant or employee shall continue from the due date thereof at the same rate until paid: *Provided*, That in no case shall such wages continue for more than ten days: *And provided further*, That no such employee who secretes or absents himself to avoid payment to him, or refuses to receive the same when fully tendered, shall be entitled to any benefit under this act for such time as he so avoids payment. In the happening of any strike, the unpaid wages of striking employees earned prior to the strike shall become due and payable upon the employer's next regular pay day, and, if then paid or tendered, the provisions of this section shall have no application.

SEC. 4. *Times of payment.*—All wages or compensation of employees in private employments shall be due and payable semimonthly; that is to say, all such wages or compensation earned and unpaid prior to the first day of any month shall be due and payable not later than the tenth day of the month following; and all wages or compensations earned and unpaid prior to the sixteenth day of any month shall be due and payable not later than the twenty-fifth day of the same month. The words "private employments" as used in this act shall mean and include all employments other than those mentioned in section 8 hereof and those under the direct management, supervision, and control of the State of Utah, any county, city and county, incorporated city or town, or other municipal corporation or political subdivision of the State of Utah, or any officer or department thereof. But nothing contained herein shall be construed as prohibiting the payment of wages at more frequent periods than semimonthly.

SEC. 5. *Medium.*—The payment of wages or compensation of employees in the employments defined herein shall be made in lawful money of the United States, or by a time check which is paid when presented at the office or by a good and valid negotiable check or draft, payable on presentation thereof at some bank or other established place of business, located in this State, without discount, in lawful money of the United States, and not otherwise.

SEC. 6. *Absent employees.*—In case an employee in any said employment shall be absent from the usual place of employment at the time said payment shall be due and payable as hereinabove provided he shall be paid the wages or compensation within five days after making demand therefor.

SEC. 7. *Violations.*—Any person or any agent of any person, copartnership, association, or corporation who shall willfully refuse to pay the wages due and payable when demanded, as herein provided, or shall falsely deny the amount or validity thereof, or that the same is due, with intent to secure, for himself or any other person, any discount upon such indebtedness, or with intent to annoy, or harass, or oppress, or hinder, or delay, or defraud the person to whom said indebtedness is due, shall be guilty of a misdemeanor: *Provided*, That in any prosecution under this section any judgment rendered in a civil action brought to recover wages claimed to be due shall not be admitted in evidence as proof of said intent.

SEC. 8. *Exemptions.*—None of the provisions of this act shall apply to the State, or to any county, city and county, incorporated city or town, or other municipal corporation, or to employers and employees engaged in farm, dairy, agricultural, viticultural, or horticultural pursuits, banks, and mercantile houses (or other employment where an agreement exists between an employer and employee providing for different terms of pay), in stock or poultry raising, or in household domestic service.

SEC. 9. *Enforcement.*—The State industrial commission shall enforce the provisions of this act.

ACTS OF 1919—SPECIAL SESSION

CHAPTER 19.—*Labor disputes—Picketing*

SECTION 1. *Definition.*—Picketing is hereby defined to be guarding or patrolling by any person or persons whomsoever, for the purpose of intercepting or persuading, or otherwise urging any person or persons whomsoever, from patronizing any duly and regularly licensed business within the State of Utah.

SEC. 2. *Misdemeanor.*—Every person convicted of picketing, as defined by section 1 of this act, shall be deemed guilty of a misdemeanor.

ACTS OF 1921

CHAPTER 49.—*Employment of labor—False advertising*

SECTION 1. *Duplicate orders.*—Any person who places with an employment agent an order for more employees that he actually desires, or who places with employment agents duplicate orders for employees, or who permits a standing order for employees to remain uncanceled at a time when he does not need such employees, shall be liable to persons who, in good faith, accept and act upon information furnished in good faith by employment agents under such excess, duplicate, or standing order for the amount actually expended in traveling from the location of such employment agent to the place of such proposed employment and return.

SEC. 2. *False orders.*—Any person who gives to an employment agent or agents any false or unauthorized order for employees, or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, shall be deemed guilty of a misdemeanor.

ACTS OF 1923

CHAPTER 93.—*Interference with employment*

SECTION 1. *Interference unlawful.*—It shall be unlawful for any person or persons acting singly or jointly with another or others, by means of any kind of force, threats, coercion, intimidation or violence, to cause or induce or to attempt to cause or induce, any person engaged in a lawful occupation to quit such employment, or to refuse or to decline to accept or begin, a lawful employment.

SEC. 2. *Penalty.*—Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine in any sum less than three hundred dollars ($300) or by imprisonment in the county jail not exceeding six (6) months or by both.

VERMONT

GENERAL LAWS—1917

Exemption of wages from garnishment—Assignments

SECTION 1944 (as amended 1919, No. 74). *Amount exempt.*—[Only wages in excess of $10 for work done prior to proceedings may be garnished; and the earnings of a defendant's wife or minor children are exempt. Wages of an employee residing and rendering service outside the State are similarly exempt if the law of the State of his residence provide exemption in an equal amount.]

SEC. 1945. *Debts due employees.*—[Where a principal defendant owes workmen for services under the contract out of which the indebtedness arises, the amount of such debts shall be exempt from process.]

SEC. 1946. *Future earnings.*—[Assignments of future earnings are not valid as against process unless made in writing to secure the payment of a prior or concurrently contracted debt, or of a debt for necessaries to be thereafter furnished. Such assignment must be recorded in the office of the town clerk.]

Suits for wages—Property worked on not exempt—Attachments

SECTION 2439. *Exemptions.*—[This section declares the exemptions allowed a judgment debtor, but provides that no personal property is exempt from attachment on account of money owed for material or labor expended thereon.]

SEC. 2824. *Rank of attachments.*—If a person or company is compelled to stop business by reason of attachment upon mesne process, and does not resume business within thirty days, and is indebted to an employee for wages, said employee may attach the same property upon his debt, and the attachment shall take precedence over such prior attachment to an amount not exceeding fifty dollars, if made before sale thereof on execution.

Wages as preferred claims

SECTION 3376. *Administration.*—[Wages due workmen, clerks, or servants, earned within 3 months prior to the employer's death, and not exceeding $50 to each claimant, rank ahead of debts due other creditors, but after funeral expenses, the cost of a headstone not exceeding $25, expenses of the last sickness, taxes, and debts due the State and the United States.]

SEC. 4970. *Mortgage on corporation property.*—[No mortgage or lien on the property of a corporation can supersede the claims of wage earners for wages earned within the 3 months prior to the filing of such mortgage or lien. Employees receiving not over $1,500 per year are within the provisions of this section.]

Accidents on railroads, etc.—Inspection

SECTION 5045. *Inspection.*—[The public service commission must annually inspect the roadbed, rolling stock, equipment, etc., of all steam and electric railroads, as to safety, compliance with law, etc.]

SEC. 5047. *Railroads.*—[All accidents on railroads resulting in loss of life or injury to person must be reported to the public service commission.]

SEC. 5048. *Investigation.*—[Investigation must be made of the cause of every fatal accident, which may be public if thought to be necessary in the interests of public safety. The results are to be made public, and a permanent record kept.]

SEC. 5059. *Public service corporations.*—[Gas, electric, and other public service corporations must report to the commission every accident resulting in loss of life or injury incapacitating a person from engaging in his usual vocations. Investigation is to be made of the causes of accidents, and this may be public, if the commission thinks necessary.]

Railroad construction—Wage debts of contractors

SECTION 5153. *Liability of corporation.*—[Railroad corporations must require of contractors for construction security for the wage debts of such contractors; and if wages are not paid, the corporation is liable on presentation of any claim of a day laborer within 40 days after the performance of the labor for which the claim is made.]

Railroads—Safety provisions

SECTION 5204 (as amended 1919, No. 132). *Height of bridges over tracks.*—[A clearance of 22 feet for bridges, wires, ropes, etc., over railroad tracks is prescribed, except for 3 designated bridges: for one of these a minimum of 18 feet is provided. The public service commission may grant other exemptions, after hearing, as deemed to be for the public interest.]

SECS. 5205, 5206. *Exemptions.*—[These sections exempt two specified bridges from the standard requirement.]

SEC. 5207. *Telltales.*—A person or corporation operating a railroad or a part of a railroad in this State shall place at the approaches of all its bridges, the highway bridges, and all other structures of whatever kind or nature which cover or extend over its tracks that do not leave a clear height of twenty-two feet from the top of the rails and lowest parts of such bridges or other structures directly over such rails, such telltale warnings, or other safety devices of uniform pattern for warning trainmen of their approach thereto, as shall be recommended by the public service commission.

SEC. 5208. *Blocking frogs, etc.*—A person or corporation operating a railroad or a part of a railroad in this State shall, at all times, keep the frogs, switches, and guard rails on its tracks, with the exception of guard rails upon bridges, filled or blocked with a wooden block or wedge, so as to prevent the feet of its employees from being caught therein.

SEC. 5210. *Violations.*—[Failure to erect telltales or block frogs entails a fine of $50 for each day's neglect, and liability for resultant damages.]

SECS. 5211, 5212. *Inspection of locomotive boilers.*—[The public service commission may make rules for testing locomotive boilers, tests to be made, if possible, by the master mechanic of the corporation. The use of a boiler which has not been tested, as required, entails a penalty of $20 for each day's use after notice to discontinue the same.]

Street railways—Safety appliances—Seats for motormen

SECTION 5274. *Safety regulations.*—A railroad corporation doing business in this State, operating its road by electricity, shall equip, maintain, and use on all double-truck cars operated in passenger service a good and sufficient air brake, and shall be fined ten dollars for each day that it neglects to comply with this provision. Such corporations shall also equip double-truck cars with stools of the proper height for the use of the motormen while running such cars between suburban points.

Commissioner of industries

[The civil administration of the State government was reorganized by act No. 7, 1923, as amended by act No. 8. One of the administrative departments provided for in section 2 of the earlier act, as amended, is:]

7. *Department of public service.*—The department of public service which shall be administered by the commissioner of public service and in which shall be the public service commission and the commissioner of industries.

[The commissioner of industries is appointed by the governor, with the advice and consent of the senate, for a term of two years. (No. 8, Acts of 1923, repealing sec. 5752, G. L.) The following section of No. 8 provides for the distribution of certain powers:]

SEC. 8. *Powers of department of public service.*—The department of public service shall have power:

1. The public service commission shall exercise the powers and duties now and hereafter by law invested in and imposed upon it.

2. To exercise the rights, powers, and duties now vested by law in the commissioner of industries through said commissioner, and said commissioner of

industries shall have exclusive jurisdiction to exercise such mandatory or discretionary rights, powers, and duties as are now vested by law in him.

3. To exercise the rights, powers, and duties now vested by law in the commissioner of weights and measures through the commissioner of industries.

4. To exercise the rights, powers, and duties now vested by law in the State board of conciliation and arbitration through the commissioner of industries.

[The following sections of the General Laws are unchanged:]

SEC. 5753. *Office.*—Said commissioner shall be provided with an office in the capitol or in some other State building at Montpelier in which his records shall be kept. Said commissioner shall have a seal for the authentication of his orders, awards, and proceedings upon which shall be inscribed the words "Commissioner of industries—Seal—Vermont."

SEC. 5754 (as amended 1921, No. 166). *Deputies.*—Said commissioner shall, subject to the approval of the governor, appoint one or more deputy commissioners, also a woman inspector for part or full time as may be required, for whose official acts he shall be responsible. Said deputy or deputies and said inspector shall hold office during the pleasure of said commissioner, and their compensation shall be fixed by said commissioner subject to the approval of the governor.

SEC. 5755. *Assistants.*—Said commissioner shall maintain such office and employ such assistance, clerical or otherwise, as the governor deems necessary for the proper performance of the duties of said commissioner.

SEC. 5756. *Enforcement of laws.*—Said commissioner shall make examinations and investigations to see that the laws pertaining to the employment of minors and women and to the weekly payment of wages are being complied with and for such purposes may enter any place where persons are employed, and summon witnesses, administer oaths, and demand the production of books and papers. The county court, a justice of the supreme court or a superior judge shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, records, and documents before said commissioner, and, in the case of a corporation, the provisions of sections four thousand nine hundred and fifty-one to four thousand nine hundred and fifty-five, both inclusive, shall apply. Whenever said commissioner finds a violation of the provisions of chapter two hundred and forty-three [relating to the inspection of factories]; of the provisions of law relating to the employment of minors and women; of the provisions of law relating to the weekly payment of wages and the provisions of law relating to the health, lives, and limbs of operators in factories, workshops, railroads, and other places and the provisions of law relating to the protection of the working classes; he shall submit the evidence thereof to the proper prosecuting officer, who shall prosecute the offender.

SEC. 5828. *Reports.*—Said commissioner shall, in each even year, make a report to the governor showing the work done during the preceding two years, and shall include therein a properly classified statement of his expenses, statistical information relating to the number and character of industrial accidents during such two years, information as to the general industrial conditions prevailing within the State, and such other information and recommendations as seem pertinent. Such report shall be printed.

Employment of women and children

SECTION 5832. *Certificate required.*—[For employment in the occupations named in the next section, a child must deposit with the employer a certificate from the commissioner of industries.]

SEC. 5833. *Children under 16.*—[Children under 16 may not be employed at railroad or manufacturing work, in hotels, billiard or pool rooms, in bowling alleys, or as messengers, except during vacation or before and after school hours, unless they have completed two years of a junior high school course or its equivalent. Work in these employments may not be in excess of 8 hours per day, 6 days per week, nor between 7 p. m. and 6 a. m.]

SEC. 5834. *Children under 14.*—[No child under 14 may be employed in or about any mill, cannery, workshop, or factory.]

SEC. 5835. *Dangerous occupations.*—[The employment of children under 16 in specified dangerous or injurious occupations is forbidden. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 5836. *Females under eighteen years.*—A person shall not employ, permit, or suffer to work a female under eighteen years of age in any capacity

where such employment compels her to remain standing continuously. A person who employs such a female in any place or establishment mentioned in the second preceding section shall provide suitable seats, chairs, or benches for the use of such females, which shall be so placed as to be accessible to such employees, and shall permit the use of such seats, chairs, or benches by such employees when they are not necessarily engaged in the active duties for which they are employed, and shall provide at least one such chair to every three such employees.

SEC. 5837. *Hours of labor.*—A child over sixteen and under eighteen years of age and a woman shall not be employed in laboring in a mine or quarry, manufacturing or mechanical establishment more than ten and a half hours in any one day or more than fifty-six hours in any one week.

SEC. 5838. *Posting notices; overemployment.*—An employer shall post in a conspicuous place in every room in which persons mentioned in the preceding section are employed, a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends. The printed forms of such notices shall be provided by the commissioner of industries. An employer who employs such persons at any time, other than as stated in such notice, shall be guilty of a violation of a provision of the preceding section, unless it appears that such employment was to make up time lost on a previous day of the same week, in consequence of the stopping of machinery upon which such woman or child was employed or dependent for employment; but stopping of machinery for less than thirty consecutive minutes shall not justify employment at a time not stated in such notice.

SEC. 5839. *Pregnant women.*—A woman shall not knowingly be employed in laboring in any mill, cannery, workshop, factory, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth. This provision shall be included in the notice required by the preceding section.

SEC. 5840. *Regulations.*—[The commissioner of industries may make regulations consistent with the law relative to the evidence of the age of children applying for certificates.]

SEC. 5841. *Inspection.*—[The commissioner may inquire of employers in the occupations, etc., named in the act as to the employment of children, and may require the production of certificates. Investigation shall be made at least three times a year.]

SECS. 5842, 5843. *Violations.*—[Persons in charge of a child are forbidden to allow employment in violation of the provisions of the law. A general penalty is provided for violation of a fine of $5 to $200, with option of imprisonment for a second offense.]

Factory, etc., regulations—Payment of wages

SECTION 5846. *Definitions.*—The word "factory" as used in this chapter, shall mean any premises where steam, water, or other mechanical power is used in aid of manufacturing processes therein carried on. The word "workshop" as so used, shall mean any premises, room, or place, not a factory as above defined, wherein manual labor is performed by way of trade or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing, or adapting for sale any article or part of an article, and to which or over which premises the employer of the person or persons working therein has the right of access or control; provided, however, that the performing of such manual labor in a private house or private room by the family dwelling therein or by any of them or in case a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop.

SEC. 5847. *Powers and duties; inspections.*—The commissioner of industries may enter a factory, mill, workshop, private works, or State institution which has shops or factories, when the same are open or in operation, for the purpose of examining into the methods of protection from danger to employees and into the sanitary condition in and around such buildings and places and to make a record of such inspection. In case said commissioner finds upon such inspection that the heating, lighting, ventilating, or sanitary arrangement of a workshop or factory is such as to be injurious to the health of the persons employed or residing therein or that the means of egress in case of fire or other

disaster is insufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs, or machinery in such workshop or factory are located or are in such a condition as to be dangerous to employees and not sufficiently guarded, or that vats, pans, or any other structures filled with molten metal or hot liquids, are not surrounded with sufficient safeguards to prevent accident or injury to those employed at or near them, said commissioner shall give written notice to the owner, proprietor, or other person in charge of such workshop or factory, to make, within thirty days, such alterations or additions for the safety and protection of employees as said commissioner deems necessary. If such alterations or additions are not made within thirty days from the date of such written notice or not within such time as such alterations or additions can be made with proper diligence upon the part of said owner, proprietor, or other person in charge of such workshop or factory, such person so notified shall be imprisoned not more than thirty days or fined not more than two hundred dollars nor less than twenty-five dollars, or both. A person who refuses to permit said commissioner to enter a factory, mill, workshop, or private works or State institution for the purpose of making the inspection in the manner herein provided for shall be imprisoned not more than ninety days or fined not more than one hundred dollars, or both.

SEC. 5848. *Furnishing information.*—Employers of labor subject to the provisions of this chapter shall furnish said commissioner, upon request, information as to the number and kind of persons employed, the time and method of payment of wages, the source of the water supply used, the sewerage, and other sanitary equipment and the inspection of boilers and elevators in a factory or workshop. An employer in whose factory or workshop an accident occurs, shall forthwith report the same to said commissioner upon blanks to be furnished by him.

SEC. 5849. *Relief in chancery.*—A person, corporation, or association aggrieved by the requirements of a notice given under the second preceding section, may apply to the court of chancery within and for the county wherein the business of such person, corporation, or association is located for an injunction to restrain the enforcement of such requirements; and, upon such notice as said court shall order given to all parties interested, hearing shall be had and decree rendered affirming, amending, or annulling the requirements of such notice, which decree said court shall enforce by appropriate proceedings.

SEC. 5850. *Municipal officers.*—State, county, town, and school officers shall furnish said commissioner, upon request, such information contemplated by this chapter as shall be in their possession as such officers.

Payment of wages

SEC. 5851. *Employee.*—The word "employee" as used in the four following sections, shall mean a mechanic, workingman or laborer who works for hire.

SEC. 5852. *Weekly payment.*—A mining, quarrying, manufacturing, mercantile, telegraph, telephone, railroad, or other transportation corporation, and an incorporated express, water, electric light or power company, doing and transacting business within the State, shall pay each week, in lawful money, each employee engaged in the business, the wages earned by such employee to a day not more than six days prior to the date of such payment: *Provided*, That, if at any time of payment an employee is absent from his regular place of labor, he shall be entitled to such payment upon demand.

SEC. 5853. *Payment in scrip, etc.*—Such a corporation shall not pay its employees in scrip, vouchers, due-bills, or store orders, unless it is a cooperative corporation in which the employee is a stockholder; but such cooperative corporation shall, upon request of any such share-holding employee, pay him as provided in the preceding section.

SEC. 5854. *Assignment of future wages.*—An assignment of future wages payable under the provisions of the second preceding section shall not be valid, if made to the corporation from whom such wages are to become due, or to anyone in behalf of such corporation, or if made or procured to be made to anyone for the purpose of relieving such corporation from the obligation to pay under the provisions of the second preceding section. Such a corporation shall not require an agreement from an employee to accept wages at any other period as a condition of employment.

SEC. 5855. *Penalty; procedure.*—Such a corporation, its lessee, or other person carrying on the business thereof, that fails to pay the wages of an employee as provided by the second and third preceding sections shall forfeit

to the State fifty dollars for each such failure, to be recovered in an action of tort, on this statute, by the state's attorney of the county in which such violation occurs, and in his name; but an action shall not be maintained therefor, until the state's attorney has given the employer ten days' notice in writing that such action will be brought if the wages are not paid as provided by such sections.

SEC. 5856. *Redemption of checks, etc.*—A person, partnership or corporation using checks, other than bank checks, slips, duebills, or other device to represent money in the payment of wages or other debt or obligation due an employee or servant of such person, partnership, or corporation, shall pay the face value thereof to the holder in money of account, on the regular pay day of such person, partnership, or corporation; and such obligations shall be redeemable at intervals of not more than one month. If such employee or servant is discharged during the month, such checks, slips, duebills, or other device shall be redeemed at their face value in money of account on the day of his discharge.

SEC. 5857. *Forfeiture.*—A person, partnership, or corporation refusing to redeem such obligations, as provided in the preceding section, shall forfeit to the person injured twice the value thereof, to be recovered in an action of tort, on this statute.

Conciliation and arbitration of labor disputes

[The State board of conciliation and arbitration provided for by sec. 5858, General Laws, is abolished, its duties being performed by the public service commission through the commissioner of industries. (See pp. 1067, 1068.) The following provisions of law remain unrepealed:]

SECTION 5861. *Summoning of witnesses; fees.*—For the purposes of this chapter, said board may summon as witnesses any operative and any person who keeps the record of the wages earned in the department of the business in which a controversy exists or is threatened and may examine such persons upon oath and may require the production of books containing the record of wages paid. Each member of said board shall have authority to issue summonses and to administer oaths. Witnesses so summoned shall be allowed the same fees as are allowed witnesses in county court.

SEC. 5862. *Procedure.*—If it appears to the mayor of a city or to the selectmen of a town that a strike or lockout is seriously threatened or actually occurs, notice shall be given to said board at once, and a like notice may be given by the employer or the employees concerned in such strike or lockout. Said board, having knowledge that such a strike or lockout is so threatened or has occurred, shall forthwith, if the employer, at the time of such threatened strike or lockout, is employing, or upon the occurrence of a strike or lockout was employing, not less than ten persons in the same general line of business in any town in the State, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, in case a strike or lockout has not actually occurred or is not then continuing, to submit the controversy to said board. Said board shall investigate the cause of such a controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects or threatens seriously to affect the public welfare. Said board shall, for carrying out the purposes of this section, have the same powers as are given it by the five following sections.

SEC. 5863. *Investigations; decision.*—If a controversy exists between an employer, whether an individual, a partnership, or corporation, employing not less than ten persons in the same general line of business, and his employees, and such controversy does not involve questions which might be the subject of an action at law or in equity, said board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists, make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the State. Said board shall hear all persons interested who come before it, advise the respective parties as to what ought to be done or submitted to by either or both to adjust such controversy, and make a written decision thereof. Such decision

shall be made public at once, shall be open to public inspection, and shall be recorded by the secretary of said board. A short statement thereof may, in the discretion of said board, be published in its annual report, and said board shall cause a copy thereof to be filed with the clerk of the town in which such business is carried on. Such a decision shall be binding upon the parties who join in such application for a period of six months or until the expiration of sixty days after either party has given notice in writing to the other and to the board of his intention not to be bound thereby. Such a notice by an employer may be given to his employees by posting the same in three conspicuous places in the factory or workshop where such employees work.

SEC. 5864. *Application.*—Such application shall be signed by the employer or by a majority of his employees in the department of the business in which such controversy exists or by a duly authorized agent of such employees or by both parties; and if signed by such an agent, said board shall satisfy itself that such agent is duly authorized to act as such. The names of the employees giving such authority shall be kept secret. Such application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without resort to a lockout or strike until said board has made its decision, if made within three weeks after the date of filing such application.

SEC. 5865. *Notice.*—The secretary of said board shall forthwith, upon the filing of such an application, cause public notice to be given of the time and place for hearing on such application, unless both parties join in such application and present therewith a written request that public notice shall not be given. If such request is made, notice of hearing shall be given to the parties in such manner as said board directs but said board may give public notice thereof notwithstanding such request. If the petitioner fails to perform the promise required to be made in its application, said board shall proceed no further thereon without the written consent of the adverse party.

SEC. 5866. *Expert assistants.*—In controversies between an employer and his employees in which application is made under the provisions of the second preceding section, each party may, in writing, submit the names of persons fit to act as expert assistants to said board. Said board may appoint for such purposes one person from each of the lists so submitted. Such experts shall be skilled in and conversant with the business or trade concerning which the controversy exists. They shall be sworn by a member of said board to the faithful performance of their official duties, and a record of their oath shall be made in the case. They shall, if required, attend sessions of said board, and shall, under the direction of said board, obtain and report information concerning the wages paid and the methods and grade of work prevailing in establishments within the State similar to those in which the controversy exists, and they may submit to said board at any time before a final decision is made facts, advice, arguments, or suggestions which they may consider applicable to the case. A decision of said board shall not be announced in a case in which such experts have acted without notice to such experts of a time and place for a final conference on the matters included in the proposed decision.

SEC. 5867. *Additional experts.*—Said board may appoint such additional experts as it deems necessary, and the provisions of the preceding section shall apply to such experts. The compensation of experts appointed under this and the preceding sections shall be fixed by said board, and the auditor of accounts shall draw orders in payment of the expenses incurred under the provisions of this chapter upon the approval of said board. An amount sufficient to pay such orders is hereby annually appropriated.

Factory, etc., regulations—Heating and ventilation—Fire escapes

SECTION 6260. *Powers of board of health.*—Said board of health shall have authority to prescribe regulations for the heating and ventilation of all mills, factories, stone sheds, sheds, or other buildings in which five or more persons are employed. Notice of promulgation of an order or regulation made by said board under the provisions of this section shall be communicated in writing to the owner, manager, or person in charge of the mill, factory, stone shed, shed, or other building concerning the ventilation and heating of which the order or regulation is made, and a copy of such order shall be kept on file by the secretary of said board. The court of chancery shall have jurisdiction

and power, upon application thereto by said board or a party interested, to enforce such orders and regulations of said board, and to restrain the use and occupation of the premises until the orders and regulations of said board are complied with.

SEC. 6328. *Fire escapes.*—The owner or lessee of a building, factory, mill, or workshop more than two stories high, in which persons are employed above the second story, shall provide suitable ladders or other safe fire escapes for the safety of patrons and occupants of such buildings.

SECS. 6329 (as amended 1923, No. 121), 6330. *Violations.*—[Violations of sec. 6328 are punishable by a fine, $25 to $400. Writs of mandamus, injunction, etc., may also be procured. All courts and just ces have jurisdiction.]

SEC. 6331. *Factory inspection.*—In so far as the provisions of chapter two hundred and forty-three confer authority on the commissioner of industries in respect to the ventilation, sanitary arrangement, and equipment for egress in case of fire or other disaster in factories and workshops, the provisions of this title shall not apply to such ventilation, sanitary arrangement and equipment for egress.

Smoking in factories, etc.

SECTION 6975. *Smoking an offense, when.*—A person who smokes a pipe, cigar, or cigarette in a mill, factory, barn, stable, or other outbuilding belonging to or occupied by another person in which a notice containing this section prohibiting such smoking, signed by the owner, agent, or occupant of the same is posted conspicuously near the main entrance thereof, shall be fined not more than five dollars.

Intimidation of employees

SECTION 6995. *Preventing employment.*—A person who threatens violence or injury to another person with intent to prevent his employment in a mill, manufactory, shop, quarry, mine, railroad, or other occupation shall be imprisoned not more than three months or fined not more than one hundred dollars.

SEC. 6996. *Stopping work.*—A person who, by threats, intimidation, or by force, alone or in combination with others, affrights, drives away, or prevents another person from accepting, undertaking, or prosecuting such employment, with intent to prevent the prosecution of work in such mill, shop, manufactory, mine, quarry, railroad, or other occupation, shall be imprisoned in the State prison not more than five years or fined not more than five hundred dollars.

A count charged conspiracy to hinder and prevent by violence, threats, and intimidation the employment and detention by a company of certain employees; also conspiracy to terrify and drive away workmen by threats, with malicious intent to injure said company; also threats to publish the names of employees in the "scab" list of a trade journal, thus putting them in fear and driving them away. *Held,* that these counts sufficiently charged an offense under the above sections. 59 Vt. 273.

Seats for female employees

SECTION 7044. *Seats required.*—The proprietor, manager, or person having charge of a mercantile establishment, store, shop, hotel, inn, restaurant, or other place where women or girls are employed as clerks, or help therein, shall provide chairs, stools, or other contrivances for the comfortable use of such female employees, for the preservation of their health and for rest when not actively employed in the discharge of their respective duties. A person who violates a provision of this section shall be fined not more than one hundred dollars nor less than ten dollars.

Wages as preferred claims—In insolvency

[This law, though not reproduced in the General Laws, is said still to be in force. See G. L., p. 497. The provision here noted is found in sec. 2513, Pub. Stats. 1906.]

Rank.—[Wages, not in excess of $50, for work done within the 6 months prior to the adjudication, rank next after costs, and debts and taxes due the United States and the State.]

VIRGINIA

CONSTITUTION

Labor legislation—Provisions of constitution

SECTION 63. *Certain local laws forbidden.*— * * * The general assembly shall not enact any local, special, or private law in the following cases:

* * * * * * *

12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.

Bureau of labor and statistics

SECTION 86. *Assembly may establish bureau.*—The general assembly shall have power to establish and maintain a bureau of labor and statistics, under such regulations as may be prescribed by law.

Liability of railroad companies for injuries to employees

SECTION 162. *Liability declared.*—The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company engaged in the physical construction, repair, or maintenance of its roadway, track, or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car, or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master that a servant would have (at the time when this constitution goes into effect), if such acts or omissions were those of the master himself in the performance of a nonassignable duty: *Provided*, That the injury so suffered by such railroad employee result from the negligence of an officer or agent of the company of a higher grade of service than himself, or from that of a person employed by the company having the right or charged with the duty to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the coemployee through or by whose act or omission he is injured; or that it result from the negligence of a coemployee engaged in another department of labor, or engaged upon or in charge of any car upon which, or upon the train of which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor; and whether such negligence be in the performance of an assignable or nonassignable duty. The physical construction, repair, or maintenance of the roadway, track, or any of the structures connected therewith, and the physical construction, repair, maintenance, cleaning, or operation of trains, cars, or engines shall be regarded as different departments of labor within the meaning of this section. Knowledge by any such railroad employee injured of the defective or unsafe character or condition of any machinery, ways, appliances, or structures shall be no defense to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered under the above provisions had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee, or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a coemployee while in the performance, as vice principal, of a nonassignable duty of the master. Every contract or agreement, express or implied, made by an employee to waive the benefit of this section shall be null and void. This section shall not be construed to deprive any employee

or his legal or personal representative, surviving consort, or relatives (or any trustee, curator, committee, or guardian of such consort or relatives), of any rights or remedies that he or they may have by the law of the land at the time this constitution goes into effect. Nothing contained in this section shall restrict the power of the general assembly to further enlarge, for the abovenamed class of employees, the rights and remedies hereinbefore provided for or to extend such rights and remedies to or otherwise enlarge the present rights and remedies of any other class of employees of railroads or of employees of any person, firm, or corporation.

This section does not deny equal protection of law. 63 S. E. 432.
It does not apply to street railways. 61 S. E. 779.

CODE—1919

Inspection of construction camps—Vaccination

SECTION 1531. *Vaccination and inspection.*—Any person, firm, or corporation employing large bodies of laborers in the State constructing works of public improvement shall, unless said person, firm, or corporation has its own physician for that purpose, be required to have a regular inspection by the board of health of the counties in which said laborers are employed at such times as said board of health may determine. The said person, firm, or corporation shall pay to the person designated to make such inspection by the board of health of said county the sum of ten dollars for such inspection. In the discretion of the examining officer, the laborers shall be vaccinated at the expense of the said person, firm, or corporation. The fee for the inspection and the cost of vaccination shall have the force and effect of a fee bill of an officer and may be collected by the sheriff or other officer as any such fee bills may be collected.

Bureau of labor and industry

SECTION 1797 (as amended 1924, ch. 23). *Bureau continued; duties.*—The bureau of labor and industrial statistics is continued under the name of bureau of labor and industry; and whenever the words "bureau of labor and industrial statistics," or other words denoting that bureau appear in any statute heretofore enacted and not repealed, the same shall be construed to mean the bureau of labor and industry. It shall be the duty of said bureau to collect, assort, systematize, and present in annual reports to the governor, to be by him biennially transmitted to the general assembly, statistical details relating to all departments of labor, penal institutions, and industrial pursuits in the State, especially in their relation to the commercial, industrial, social, educational, and sanitary conditions of the laboring classes and to the permanent prosperity of the productive industries of the State.

SEC. 1798. *Commissioner.*—The governor shall appoint, by and with the consent of the Senate, some suitable person identified with the labor interests of the State, who shall be designated commissioner of labor, and who shall, upon the request of the governor, furnish such information as he may require. The term of office for said commissioner shall be two years from the date of his appointment, with power of removal by the governor for cause. * * *

SEC. 1799 (as amended 1922, ch. 373). *Powers.*—The commissioner of labor shall have power to take and preserve testimony, examine witnesses, administer oaths, and under proper restrictions enter any public institution of the State, and any factory, store, workshop, laundry, or mine, and interrogate any person employed therein or connected therewith, or the proper officer of a corporation, or file a written or printed list of interrogatories and require full and complete answers to the same, to be returned under oath within thirty days of the receipt of said list of questions.

He shall have general supervision and control of the bureau of labor and industrial statistics and shall have authority to appoint such assistants as may be necessary to carry out the objects and purposes of the bureau.

He shall secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, and commercial institutions in the State and to aid him in this work shall have power to appoint such factory inspectors and other assistants as may be necessary. The duties of such inspectors and other assistants shall be prescribed by the commissioner of labor.

The commissioner of labor, his assistants and factory inspectors shall visit and inspect at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops, and commercial institutions in the State, where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail. The commissioner of labor shall report in writing to the governor annually concerning the work of his department, with such other information and with such recommendations as he may deem proper.

It shall be the duty of the commissioner of labor to enforce the provisions of this chapter, and to prosecute all violations of law relating to the inspection of factories, mercantile esablishments, mills, workshops, and commercial institutions in this State before any justice of the peace or court of competent jurisdiction.

It shall be the duty of the Commonwealth's attorney of the proper county or city, upon the request of the commissioner of labor or any of his assistants or deputies, to prosecute any violation of law which is made the duty of said commissioner of labor to enforce.

SEC. 1800. *Duty of officers.*—All State, county, town, and city officers shall furnish the commissioner of labor, upon his request, such statistical information in reference to labor as may be in their possession as such officers.

SEC. 1801. *Appropriations to be made.*—The bureau of labor and industrial statistics shall be maintained from such appropriations as the general assembly may make for the purpose, and the general assembly shall fix the compensation of all persons performing service in said department. The compensation paid on the day before this code takes effect shall continue to be paid until changed by law.

SEC. 1802 (as amended 1922, ch. 373). *Violations.*—If any person, who may be sworn to give testimony, shall willfully fail or refuse to answer any legal and proper question propounded to him concerning the subject of such examination as indicated in section seventeen hundred and ninety-nine, or if any person, to whom a written or printed list of such interrogatories has been furnished by the commissioner of labor, shall neglect or refuse to fully answer and return the same under oath, or if any person in charge of any factory, mill, workshop, laundry, mercantile or manufacturing establishment shall refuse admission to or obstruct in any manner the inspection of such establishment or the proper performance of the authorized duties of the commissioner of labor or any of his assistants or any factory inspector, or other duly authorized representative of the bureau of labor and industrial statistics, he shall be guilty of misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred nor less than twenty-five dollars or imprisoned in jail not exceeding ninety days, or both.

Nothing in this chapter shall be construed as permitting the commissioner or any employee of said bureau to make use of any information or statistics gathered from any person, company, or corporation for any purpose other than those of this chapter.

Private employment offices

SECTION 1803. *Registers; fees.*—[Registers must be kept in all employment offices of the name and address, age, sex, nativity, and occupation of applicants for employment; also name, address, and nature of help desired by persons applying for workers. The commissioner of labor prescribes the form of such register.

If a fee is charged, for registration or service, it may not exceed $3, for which a receipt must be given, showing amount, date, and nature of employment to be secured. The full amount of the fee must be returned on demand, if no situation or employment is secured within 30 days. Bona fide orders must be secured before an applicant is sent out.]

SEC. 1804. *Acts prohibited.*—[The sending of females to places of immoral resort, publishing false information, making false entries in the register, or attempting to induce employees to leave employment so as to secure patronage for the agency is forbidden.]

SEC. 1805. *Splitting fees.*—[The division of fees with the employer or his representative is forbidden.]

SEC. 1806. *Enforcement.*—[The enforcement of the foregoing provisions rests with the commissioner of labor. Violations are punishable by a fine of $10 to $200, except that sending females to places of immoral resort, etc., is a felony incurring a fine of $100 to $1,000 or imprisonment one to ten years, or both.]

Employment of women

SECTION 1807 (as amended 1922, ch. 373). *Seats for female employees.*—Chairs, stools, or other suitable seats shall be maintained in all factories, shops, mills, laundries, mercantile and manufacturing establishments, except fruit and vegetable canning factories, for the use of female employees therein to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. Such seats shall be placed where the work of such females is to be principally performed, whether in front of or behind a counter, table, desk, or other fixture. Any employer of female help in this State who shall neglect or refuse to provide seats as required in this section, or shall make any rules, orders, or regulations in his factory, shop, mill, laundry, store, or other place of business requiring females to remain standing when not necessarily employed in service or labor therein shall be deemed guilty of a misdemeanor, and upon a conviction thereof shall be fined not exceeding twenty-five dollars and costs, at the discretion of the court. In any manufacturing establishment where it is necessary on account of the nature of the work in such establishment for the female employees to stand while working, it shall be deemed a sufficient compliance with this section if suitable rest rooms are provided to which such employee may go at all reasonable times.

SEC. 1808 (as amended 1918, ch. 214). *Hours.*—No female shall work as an operative in any factory, workshop, laundry, mercantile, or manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts heretofore or hereafter made for the employment of any female as an operative in any factory, workshop, laundry, mercantile, or manufacturing establishment to work for more than ten hours in any one day of twenty-four hours shall be deemed to be void.

[Violations are punishable by fine not less than $5 nor more than $20. Females employed in office work or in fruit or vegetable packing are excepted, and this section shall not apply to establishments in towns of less than 2,000 inhabitants, or country districts.]

Blacklisting—Payment of wages

SECTION 1817 (as amended 1922, ch. 373). *Preventing reemployment.*—No person or persons, partnership, corporation, or association doing business in this State, or any agent or attorney of such person or persons, partnership, corporation or association, after having discharged any employee from the service of such person or persons, partnership, corporation, or association, or after any employee having voluntarily left the service of such person or persons, partnership, corporation, or association, shall willfully and maliciously prevent or attempt to prevent by word or writing, directly or indirectly, such discharged employee or such employee voluntarily leaving from obtaining employment with any other person or persons, partnership, corporation, or association. For violation of this section the offender shall be guilty of a misdemeanor and shall, on conviction thereof, be fined not less than one hundred nor more than five hundred dollars. But this section shall not be construed as prohibiting any person or persons, partnership, corporation, or association from giving on application for any other person or corporation a truthful statement of the reason for such discharge, or a truthful statement concerning the character, industry, and ability of such person voluntarily leaving.

SEC. 1818 (as amended 1918, ch. 389). *Who to pay semimonthly.*—All persons, firms, corporations, or associations in this Commonwealth engaged in operating railroad shops, maintaining railroad and steamship offices, mining coal, ore, or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees engaged in the employments aforesaid as provided in this act.

All persons, firms, companies, corporations, or associations engaged in any of the business aforesaid shall regularly settle with such employees at least twice in each month, and at such times pay them the amounts due them for their work or services in lawful money of the United States, or by check, or by cash order, as described and required in section three of this act: *Provided*, That nothing herein contained shall affect the right of any employee to assign

the whole or any part of his claim against his employer: *Provided, however,* That the semimonthly payment of wages requirement of this act shall not apply to excelsior mills or sawmills; but the employers of labor engaged in such enterprises shall settle with their employees at least once in each month.

SEC. 1819 (as amended 1918, ch. 389). *Orders.*—It shall not be lawful for any person, firm, company, corporation, or association, engaged in the business aforesaid, their clerk, agent, officer, or servant in this State to issue for payment of such labor at such times any order or other payment whatever, unless the same purports to be payable or redeemable for its face value in lawful money of the United States, such order to be made payable on demand and without condition to employees, or bearer, bearing interest at legal rate, and redeemable by the person, firm, company, corporation, or association giving, making, or issuing the same. Any such person, firm, company, corporation, or association engaged in any of the business aforesaid, at other times than at such regular settlements upon the faith and credit of labor to be performed or performed but not to be paid for under the contract of hiring until a future date, may in payment or in part payment therefor, upon request of any employee, issued to such employees nontransferable orders upon himself or itself, or upon another, payable in merchandise only or nontransferable coupons or tokens payable and redeemable in merchandise only: *Provided,* That upon or in the face of each such order or upon or in the holder or container to which such coupons or tokens are attached there is legibly and plainly written or printed the binding promise of such employer to pay such employee in lawful money of the United States or by check the unused portion or part, if any, of such order in his possession or the unused coupons or tokens, if any in such holder or container in his possession, upon demand and upon surrender thereof by him, at such regular settlement date, not later than one month from the date thereof. Any person, firm, company, corporation, or association, engaged in the business aforesaid, their clerks, agents, officers, or servants, who shall issue for payment of labor any paper or order, other than the ones herein specified, or who shall, upon demand and surrender thereof by an employee refuse to pay for or issue check to such employee for such unused part or portion of such nontransferable order or unused nontransferable coupon or token at such regular settlement date, in violation of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding $100, in the discretion of the court.

SEC. 1820 (as amended 1918, ch. 389). *Company stores.*—It shall be unlawful for any person, firm, company, corporation, or association engaged in operating railroad shops, maintaining railroad and steamship offices or mining or manufacturing, or either of them, as aforesaid, and who shall likewise be either engaged or interested directly or indirectly, in merchandising, as owner or otherwise, in any money per centum profit or commission arising from the sale of any such merchandise, their clerks, servants, officers, or agents to knowingly or willfully sell, or cause to be sold, to any such employees any goods, merchandise, or supplies whatever for a greater per centum of profit than merchandise and supplies of like character, kind, quality, and quantity are sold to other customers, buying for cash and not employed by them; and shall any person or member of any firm, company, corporation, or association, his or their clerk, agent, or servant violate this act, they shall be guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding $100, in the discretion of the court.

Factory, etc., regulations

SECTION 1821. *Inhalation of dust.*—Every owner or manager of peanut-cleaning establishments operated for the purpose of cleaning peanuts, and every owner or manager operating a cotton factory in this Commonwealth, shall, upon request, furnish to each employee and operative in such establishment or factory a suitable sponge shield to protect such operative or employee from inhaling the dust and floating particles in the air while employed in such establishment or factory. Such shield shall be furnished at actual cost and be paid for by the operative or employee. Any owner or manager of such establishment or factory who shall fail to provide such shield upon application after reasonable time shall be subject to a fine of not less than one dollar nor more than five dollars, and each day's failure to comply with such request shall constitute a separate offense.

Sec. 1822 (as amended 1924, ch. 432). *Toilets.*—[Factories employing 5 or more persons, and all establishments employing 2 or more children under 18, or women, must be provided with a sufficient number of water-closets, etc., reasonably accessible, and separate for each sex.]

Sec. 1823. *Changes.*—[The changes required by the preceding section must be made by the owner, lessee, or occupant. If the changes are made by the occupant or lessee on the order of the commissioner of labor, he may, within 30 days, recover such proportion of the cost from other parties in interest as the court may determine.]

Sec. 1824. *Enforcement.*—[If the commissioner of labor finds conditions due to neglect or default with regard to drains, toilets, ash pits, water supply, etc., in shops and factories included under section 1822 remediable or punishable under the health laws of the State and not under this law, he shall report the same to the health authorities.]

Sec. 1825. *Prosecutions.*—[Prosecutions will not be undertaken under sections 1822 and 1823 until after 4 weeks' notice in writing.]

Sec. 1826. *Scope.*—[The application of the four preceding sections to establishments in places of not over 5,000 inhabitants rests in the discretion of the commissioner.]

Sec. 1827. *Penalties.*—[Violations entail fines of $5 to $25 for each day.]

Sec. 1828. *Stairways.*—Proper and substantial handrails shall be provided on all stairways in factories, shops and manufacturing establishments. Where females are employed the stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory, shop or manufacturing establishment shall be so constructed as to open outwardly and shall not be locked, bolted or fastened during working hours.

Sec. 1829. *Scope; doors.*—Nothing contained in the preceding section shall apply to any factory, shop or manufacturing establishment where not more than twenty-five persons are employed; and, in the discretion of the commissioner of labor, after sufficient means of egress is provided the owner may erect additional sliding doors. The owner of a factory, shop or manufacturing establishment, equipped with sliding doors, properly adjusted and easily opened, need not convert the same into doors that open outwardly if there be another door, or doors, on the first floor opening outwardly, affording sufficient means of egress for people visiting or working in said building, the sufficiency of egress to be determined by the commissioner of labor, subject to the right of appeal as provided in section eighteen hundred and thirty-one.

Sec. 1830 (as amended 1922, ch. 373). *Safety appliances.*—The owner or person in charge of a factory, shop, manufacturing establishment, where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, elevators, saws, planers, cogs, gearing, belting, shafting, set screws, shapers, corner machines shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats, or elevators while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, notice thereof shall be given to the manager or owner in charge of such operation, and unless such machinery is repaired or made safe within thirty days after such notice, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When, in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted; and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways, near the stairs upon the entrance floor and upon the other floors on every work-day in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights shall be independent of the motive power of such factory.

Sec. 1832. *Penalties.*—[Violations of the three foregoing sections entail fines $5 to $10 for each day.]

SEC. 1833. *Foundries.*—Every person, firm, or corporation employing men to work in any fonndry or molding shop shall provide in each workroom thereof proper and sufficient means of ventilation, if excessive heat or if steam, gases, vapors, dust, or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein, the said room must be ventilated in such a manner as to disperse the said steam, gases, vapors, dust, or other impnrities and render them harmless. Such person, firm, or corporation shall provide such ventilation within thirty days after being notified by the commissioner of labor or other proper officer so to do, and upon refusal or failure so to do shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined ten dollars for each day after the expiration of the said thirty days until such proper ventilation is provided.

SEC. 1834. *Toilets and wash rooms.*—[Fonndries and molding shops must be equipped with adequate and proper wash rooms and toilets, one bowl and one commode for each 6 workmen. Violations continuing after 30 days' notice by the commissioner are punishable by a fine of $10 for each day.]

Mine regulations

SECTION 1835. *Department.*—[A department of mines under the bureau of labor and industrial statistics is continued for the enforcement of safety laws, etc., relating to mines. An inspector is to be appointed by the commissioner.

SEC. 1836. *Inspector.*—[The inspector must have at least 5 years' experience and a thorough, practical knowledge of mining. He must keep a record of all inspections, open to any citizen, and may be removed for cause.]

SEC. 1837. *Inspection.*—[The inspector must visit each mine once in 6 months, or oftener if 10 employees or the owner or operator of a mine requests, and make report of inspections. A certificate of inspection must be posted.]

SECS. 1838, 1839. *Maps.*—[Maps must be made of all coal mines, showing all workings, etc., the same to be revised twice each year. If none is furnished, the inspector is authorized to have one made at the operator's expense.]

SECS. 1840–1842. *Employees; exits.*—[Workmen must be instructed by the mine foremen or his assistant as to any unusual or extraordinary dangers. An inexperienced worker must work under the direction of the foreman or a designated skilled workman until he has had opportunity to become familiar with the ordinary dangers of mining. No one may work in a mine unless he has access to two outlets accessible by safe roadways. Stairs and hoists must be kept in order for immediate use. Repair work or the opening of ways of communication or the final robbing of pillars, all where not more than 20 men are employed, do not come within the terms of the requirement as to exits. Penalties, a fine of $50 to $500 or imprisonment from 10 to 90 days.]

SECS. 1843–1887 (as amended 1924, ch. 476). *Safety.*—[Hoisting machinery must be safeguarded, means of communication maintained, competent and sober engineers employed, refnge holes provided, ventilation supplied, accumulations of dust avoided, etc. The quantity of explosive brought into the mine, blasting, lighting, illuminating oils, first-aid provisions, electric installations, and the powers and dnties of mine foremen and fire bosses are regulated. No male under 14 and no female may be employed in any coal mine.

Miners are forbidden to injure equipment or structures; explosions, etc., mnst be reported; rnles must be adopted and posted by operators. The chapter applies to coal mines and other underground mines as far as applicable. New mines may be opened only after notice to the department of mines.]

Employment of children to support parents in idleness

SECTION 2808. *Vagrancy.*—The following persons shall be deemed vagrants: * * * All persons who are able to work and who do not work, but hire out their minor children and live upon their wages.

Factory, etc., regulations—Fire escapes

SECTION 3141. *Fire escapes required.*—[The owner of every factory, mill, workshop, mercantile establishment, and office building of over three stories in height, or where as many as 15 persons are employed above the second floor of a building is required to provide and maintain fire escapes of the most approved modern design. The character and design are to be approved by the local authorities; if they fail to act the commissioner of labor shall after 60 days' notice prescribe adequate fire escapes for any such city or town.]

Commissioner of labor—Staff

SECTION 3443. *Salary; powers.*—The commissioner of labor, the sum of two thousand five hundred dollars. He shall have power to appoint such clerical force as he may deem necessary to the efficiency of his department and to apportion such salaries among his several clerks, as he may think proper. But the aggregate amounts paid such clerks shall not exceed the sum provided by law, and he shall have power to expend for the contingent expenses of his office such sum as may be provided by law.

Rates of wages of laborers at salvage

SECTION 3604. *How rate determined.*—The laborers employed in saving such [wrecked] property shall be paid a reasonable sum for their services. If the parties interested do not agree on what is to be so paid, the owner of the property or his agent may choose one person, and the commissioner of wrecks another, to determine what is to be paid said laborers and their award, or if they disagree the award of an umpire chosen by them, being made in writing, shall be binding on the said laborers and the owner.

Accidents—Investigation

SECTION 3737. *Powers of State corporation commission.*—The commission may investigate the cause of any accident on any transportation line which in its judgment shall require investigation.

Bonds of employees of common carriers

SECTION 3935. *Rejection of applicants.*—[Where an employee of a common carrier who is required to give a surety bond is refused such bond by any surety company or an existing bond is canceled such company must on demand of the employee furnish him a statement in writing of its reasons therefor. Unless the employer has other reasons for nonemployment than the refusal of the company to make the bond it shall on request of the employee accept a similar bond executed by any other solvent, authorized surety company. A surety company need not disclose the sources of its information.]

Railroads—Telltales

SECTION 3970. *Erection required.*—[Where bridges, tunnels, etc., are not sufficiently high above the tracks to permit employees to stand erect at their posts of duty on the cars, railroad companies must erect at proper distances on each side of the obstruction danger signals to warn of the approach thereto. The corporation commission may approve the character and location of such signals. Companies failing to provide such signals are liable in damages for resultant injuries without the defense of contributory negligence.]

Street railways—Vestibules

SECTION 3977. *When required.*—[Urban, interurban, and suburban electric railways must equip motor cars with vestibuled fronts from November to April, inclusive; but open summer cars need not be so equipped during November and April. Sides of vestibules need not be inclosed. Fines of $10 to $100 are incurred by violations.]

Railroads—Accidents

SECTION 3988. *Reports.*—[All accidents occurring on steam and electric roads in the State causing injury to persons or property must be reported to the State corporation commission, with a statement of the nature, cause, and circumstances.]

Bribery of employees

SECTION 4712. *Offering bribes.*—Any person who gives, offers, or promises to an agent, employee, or servant any gift or gratuity whatever, without the knowledge and consent of the principal, employer, or master of such agent, employee, or servant, with intent to influence his action to the prejudice of his principal's, employer's, or master's business;

Or an agent, employee, or servant who, without the knowledge and consent of his principal, employer, or master, requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself under an agreement or with an understanding that he shall act in any particular manner as to his principal's, employer's, or master's business;

Or an agent, employee, or servant who, being authorized to procure materials, supplies, or other articles, either by purchase or contract, for his principal, employer, or master, or to employ service or labor for his principal, employer, or master, receives, directly or indirectly, for himself or for another, a commission, discount, or bonus from the person who makes such sale or contract or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor;

And any person who gives or offers such an agent, employee, or servant such commission, discount, or bonus;

Shall be guilty of a misdemeanor.

SEC. 4713. *Witnesses.*—No witness called by the attorney for the Commonwealth or by the court and giving evidence for the prosecution in a proceeding under the preceding section shall ever be proceeded against for any offense under that section, but such witness shall be compelled to testify, and for refusing to do so may be punished for contempt.

Liability of railroad companies for injuries to employees

SECTION 5791. *Liability declared.*—Every common carrier or railroad engaged in intrastate commerce shall be liable in damages to any of its employees suffering injury while he is employed by such carrier in such commerce, and in case of his death to his personal representative for such injury or death resulting in whole or in part from the wrongful act or neglect of any of the officers, agents, servants, or employees of such carrier, or by reason of any defect or insufficiency, due to its neglect, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. If the action be for the death of an employee, sections fifty-seven hundred and eighty-seven, fifty-seven hundred and eighty-eight, fifty-seven hundred and eighty-nine, and fifty-seven hundred and ninety shall apply thereto as far as applicable. No action shall be maintained under this section unless it be commenced within one year from the day the cause of action accrued.

SEC. 5792. *Comparative negligence.*—In all actions or motions hereafter brought against any such common carrier to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that such employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee; and no such employee, who may be injured or killed, shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5793. *Assumption of risk.*—In any action brought against any common carrier, under or by virtue of section fifty-seven hundred and ninety-one, to recover damages for injuries to, or death of, any of its employees, the knowledge of any employee injured or killed of the defective or unsafe character or condition of any machinery, ways, appliances, or structures of such carrier, shall not of itself be a bar to recovery for any injury or death caused thereby, nor shall such employee be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 5794. *Waivers.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by section fifty-seven hundred and ninety-one, shall to that extent be void; but in any action brought against any such common carrier under or by virtue of said section, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief, benefit, or indemnity companies that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

SEC. 5795. *Scope of law.*—The term "common carrier" as used in the four preceding sections shall include the receivers or other persons or corpo-

rations charged with the duty of the management or operation of the business of a common carrier, whose motive power is steam; but shall not include persons, firms, or corporations owning or operating steam railroads when such railroads are primarily and chiefly used as incidental to the operation of coal, gypsum, or iron mines, or saw mills, nor shall it apply to any railroad owned or operated by any county.

SEC. 5796. *Declaration under Federal law.*—The declaration or other pleading in any such action may embrace a cause of action growing out of any act of Congress of the United States of America for said injury or death, without being demurrable on this account and without the plaintiff being required to elect under which statute he claims. The five preceding sections shall not apply to electric railways operated wholly within this State.

Suits for wages—Exemptions—Garnishment

SECTION 6531. *Heads of families.*—[Exemptions allowed heads of families do not extend to debts owed for services rendered by a laboring person or mechanic.]

SEC. 6555. *Wage exemptions.*—[Wages due a laboring man who is head of a family are exempt from execution, etc., in an amount not exceeding $50 per month.]

SEC. 6558. *Minors.*—[The wages of minors are not subject to garnishment, etc., for the debts of parents.]

SECS. 6559, 6560. *Public employees.*—[Wages and salaries of employees of the State, other than State officers, are subject to garnishment unless otherwise exempted, the customary process being served on the person charged with the payment of such wages or salary.]

ACTS OF 1918

CHAPTER 179.—*Contract of employment—Fraudulent breach*

SECTION 1. *Obtaining advances.*—If any person, with intent to injure or defraud his employer, enters into a contract of employment, oral or written, or for the performance of personal service to be rendered within one year, in and about the cultivation of the soil and thereby obtains from the land owner, or the person so engaged in the cultivation of the soil, money, or other thing of value under such contract, and fraudulently refuses to perform such service, or to refund the said money or other thing of value so obtained, shall be deemed guilty of the larceny of the said money or other thing of value so received: *Provided, however*, That prosecutions hereunder shall be commenced within sixty days after breach of such contract.

CHAPTER 260.—*Factory, etc., regulations—Grinding and polishing wheels*

SECTION 1. *Ventilation.*—All persons, firms, companies, associations, and corporations operating or in charge of a factory, machine shop, or other place or building where grinding, polishing, or buffing wheels are used in the course of the manufacture or the working on of articles of the baser metals, shall provide such wheels with a hood connected by means of a pipe to an exhaust fan or other suction device in such manner as to carry away the dust and refuse thrown off by such wheels to some receptacle so placed as to receive and confine such dust or refuse, or in such manner as to discharge the same into the open air outside of such factory or other building: *Provided*, Conditions permit such discharge without injury to persons or property. Every such hood shall be made of metal or other suitable material and be of such form and so located in relation to the grinding surface of the wheel that the dust and refuse therefrom will fall or be drawn into the hood and be carried off by the pipe attached to it, and so as to prevent injury to the operator if the wheel shall burst. But connection of such hood with an exhaust fan or other suction device shall not be required in any of the following cases:

First: When less than five of such wheels are owned or operated by one person or concern.

Second: When such wheel is provided for only occasional use by workmen in grinding the tools used by them.

Third: When water is used upon such wheel at the point of grinding contact.

SEC. 2. *Construction of hood.*—Every hood shall be so constructed as to expose the smallest portion of the wheel consistent with efficient operation, and its free edges shall be turned back or faced to prevent injury to the hands of workmen. Where there is likelihood that the hood may scratch the work the edges of the hood should be covered with leather or other suitable covering.

SEC. 3. *Use.*—Every such fan or other suction device shall be kept in constant operation while such grinding, polishing, or buffing wheels are in operation.

SEC. 4. *Violations.*—[Fines of from $25 to $50 for the first offense and $50 to $100 for each subsequent offense are penalties for violations.]

CHAPTER 313.—*Factory, etc., regulations—Common drinking cups*

SECTION 1. *Cups forbidden.*—The use of the common drinking cup on railroad trains and in railroad stations, public hotels, boarding houses, restaurants, clubs, steamboats, schools, factories, stores, or publicly frequented places in Virginia is hereby prohibited. No person or corporation in charge of the aforesaid places and no person or corporation shall permit on the said railroad train, in railroad stations, public hotels, boarding houses, restaurants, clubs, steamboats, schools, factories, stores, or any publicly frequented place in Virginia the use of the drinking cup in common.

[Violations entail a fine of not less than $1 nor more than $10 each day's violation to be considered a separate offense, punishable by fine as above.]

ACTS OF 1919—SPECIAL SESSION

CHAPTER 54.—*Antitrust law—Labor, etc., organizations exempt*

[This act forbids monopolies, trusts, and combinations, but exempts labor, agricultural, and horticultural organizations for mutual help, without capital stock and not conducted for profit.]

ACTS OF 1920

CHAPTER 281.—*Railroads—Shelters for repair tracks*

SECTION 1. *Powers of commission.*—[The State corporation commission is authorized, after hearings duly held, to require buildings or sheds to be erected for the protection of workmen doing heavy repair of railroad cars or trucks, to make and enforce rules and orders as to work, the size and construction of the buildings, etc., so as to afford protection from the weather without unreasonable interference with the work or system of the institution where the work is being done; enforceable by fine.]

ACTS OF 1922

CHAPTER 268.—*Payment of wages due deceased employees*

SECTION 1. *Payment to next of kin.*— * * * When there is due from any employer to a deceased employee, upon whose estate there has been no qualification, a sum not exceeding three hundred dollars, it shall be lawful for such * * * employer, after one hundred and twenty days from the death of said person, to pay said balance to his next of kin, whose receipt therefor shall be a full discharge and acquittance * * *.

CHAPTER 284.—*Employment of children—Abuse*

SECTION 1. *Misdemeanor.*—[It is a misdemeanor for any employer of a child to willfully or negligently cause or permit its life, health, or morals to be endangered or to permit it to be overworked or otherwise abused.]

CHAPTER 381.—*Employment of children—School attendance*

SECTION 1. *Requirements.*—[Attendance during the school term is required to 14 unless the prescribed elementary course has been completed and the child is regularly and lawfully employed.]

CHAPTER 489.—*Employment of children—General provisions*

SECTION 1. *Age.*—[No child under 14 may work in any gainful occupation other than on farms, and in gardens and orchards, except as provided in this act.]

SEC. 2. *Work time.*—[No child under 16 may be employed as above more than 6 days or 44 hours per week, nor more than 8 hours per day, nor between 6 p. m. and 7 a. m. A schedule of work time must be posted in all places where children are employed.]

SECS. 3–9. *Certificates.*—[Employers of children under 16 must have on file certificates issued by the school authorities on the basis of a statement by the employer as to the nature, hours, etc., of the employment intended, and evidence of age and physical fitness; a physician must furnish the latter. Certificates must show name, age, evidence on which issued, schooling, sex, etc. One copy goes to the employer, one to the commissioner of labor, and one is kept on file by the issuing officer.]

SEC. 10. *Canneries.*—[This act does not apply to children 12 to 16 years of age working not more than 8 hours per day in fruit and vegetable canneries when the public schools are not in session.]

SEC. 11. *Notice.*—[Employers must within 7 days give notice of the beginning and the termination of the employment of a child holding a certificate, returning the certificate to the issuing officer when employment ends.]

SEC. 12. *Term.*—[Certificates lapse after 12 months unless a new certificate of physical fitness is filed.]

SEC. 13. *Dangerous occupations.*—[Employment under 16 is forbidden in a specified list of dangerous occupations. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 14. *Messengers, etc.*—[Males under 14 and females under 18 may not be employed in messenger or delivery service; and males under 18 and females under 21 may not be employed between 10 p. m. and 5 a. m.]

SECS. 15, 16. *Street trades.*—[Boys under 14 and girls under 18 may not engage in street trades, except that boys 12 to 16 years of age after procuring a badge may act as bootblack or newsboy between 6 a. m. and 7 p. m. on days when the public schools are not in session. The badge is issued by the same person and under the same requirements as employment certificates. A deposit of 50 cents is required, to be returned on surrender of the badge. Holders must wear the badge when at work, and transfers are forbidden. Work for more than 8 hours per day is forbidden.]

SEC. 17. *Violations.*—[Employing or permitting the employment of children in violation of this act entails a fine of $10 to $25 for the first offense, $25 to $50 for the second, and $50 to $250 for subsequent offenses. Jail sentence of 30 to 90 days may be added for third or subsequent offenses.]

SEC. 18. *Enforcement.*—[The commissioner of labor has power to enforce the act and to appoint necessary inspectors. He is also to supervise the work of attendance officers in cities and counties, and make necessary rules and regulations for carrying out the purposes of this act.]

ACTS OF 1924

CHAPTER 410.—*Free public employment offices*

SECTION 1. *Bureau created.*—In order to promote the establishment and maintenance of free employment offices for men, women, and minors who are legally qualified, seeking employment, and for employers desiring workers, there is hereby created in the department of labor a free employment bureau. It shall be in charge of the commissioner of labor, who shall appoint an assistant, whose duties shall be to supervise the work of the said bureau and its branch offices, under the direction of the commissioner, and who shall receive an annual salary to be fixed by the commissioner of labor. There shall also be appointed in said bureau by the commissioner of labor such assistants and other employees as are necessary to carry out the provisions of this act.

SEC. 2. *Duty of commissioner of labor.*—It shall be the duty of the commissioner of labor, and he shall have the power, jurisdiction, and authority:

(a) To establish and conduct free employment offices in the State, where, in the opinion of the commissioner, such action may be deemed advisable

and expedient; to in all proper ways, within the limitations of this act, bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means to avoid unemployment; to cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment.

(b) To establish and maintain such sections of the employment service as will best serve the public welfare.

SEC. 3. *Information to be public.*—Said employment bureau shall make public, through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. Said bureau shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economical developments and the extent and cause of unemployment, and remedies therefor, within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

SEC. 4. *Vocational guidance.*—The commissioner of labor is hereby authorized to enter into agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices and for the extension of vocational guidance to minors. The commissioner is likewise authorized, with the advice of the governor, to enter into such cooperative agreement as may be deemed desirable with the United States employment service, or such bureau of the United States Department of Labor as the secretary thereof may hereafter designate, or other Federal agency as Congress may hereafter authorize for the purpose of securing financial aid from the United States Government for the establishment and maintenance of free employment service and the extension of vocational guidance to minors.

SEC. 5. *Local cooperation.*—It shall be lawful for the governing authorities of any municipality, county, township, or school corporation in the State to enter into cooperative agreement with the commissioner of labor, and to appropriate and expend the necessary money to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon and which will further the purposes of this act.

SEC. 6. *Appropriations.*—For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general funds of the State, not otherwise appropriated, the sum of two thousand five hundred dollars per annum. Upon the certificate of the commissioner of labor, the auditor is hereby directed to audit and the treasurer to pay expenses of said free employment service, not exceeding the sum of two thousand five hundred dollars per annum.

SEC. 7. *Farm labor.*—The established agency [shall] be directed to cooperate with the local county agricultural farmer agents and farmers' organizations in ascertaining needs of labor and distribution among farming classes.

WASHINGTON

CONSTITUTION

ARTICLE II.—*Labor legislation*

SECTION 35. *Protective laws to be passed.*—The legislature shall pass necessary laws for the protection of persons working in mines, factories, and other employments dangerous to life or deleterious to health, and fix pains and penalties for the enforcement of the same.

REMINGTON & BALLINGER'S CODES AND STATUTES—1910

Suits for wages—Exemptions—Preferences

SECTION 533. *Homesteads.*—[Homesteads are subject to execution in satisfaction of judgments for mechanics and laborers' liens.]

SEC. 564. *No property exempt.*—[No property is exempt from execution for wages earned within the State; but this does not affect sec. 703, below.]

SEC. 657. *Wages exempt.*—[The earnings of a judgment debtor for 60 days next preceding action are exempt from execution if shown to be necessary for the support of a dependent family.]

SEC. 703. *Garnishment.*—[Current wages for personal service to the amount of $100 are exempt from garnishment where the debtor has a dependent family; but if the debt is for necessaries furnished the defendant or his dependents the exemption shall not exceed $10 out of each week's salary or wages for not more than 4 consecutive weeks.]

SEC. 1204. *Preference in assignments.*—[Wages earned within 60 days preceding an assignment or insolvency proceedings, not exceeding $100 each, are to be paid before any other claims.]

SEC. 1205. *Administration.*—[In case of death, wages earned in the 60 days prior thereto, not exceeding $100 in amount, rank next after funeral expenses, expenses of last sickness, of administration, and allowances to the widow and children. (See sec. 1568, below.)]

SEC. 1206. *Executions, etc.*—[In cases of executions, attachments, etc., for other than for labor done, claims for wages for 60 days, not over $100, are to be paid first from the proceeds of the sale.]

SEC. 1568. *Decedents.*—[In settling estates of deceased employers, wage claims for labor performed within 90 days preceding the death are to be paid after funeral expenses, expenses of last sickness, and debts having preference by the laws of the United States. (See sec. 1205, above.)]

Interference with employment—Conspiracy against workingmen

SECTION 2382. *Interference with employment.*—Whenever two or more persons shall conspire—

* * * * * * *

(5) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats, or intimidation, or by interfering or threatening to interfere with any tools, implements, or property belonging to or used by another, or with the use or employment thereof;

* * * * * * *

Every such person shall be guilty of a gross misdemeanor.

SEC. 2383. *Evidence.*—In any proceeding for [a] violation of section 2382 it shall [not] be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination.

Employment of children—Certain occupations forbidden

SECTION 2446. *Mendicant, etc., occupations.*—[The employment of a minor apparently or actually under 18 in mendicant or immoral occupations, injurious or dangerous employments, or as messenger to houses of known immoral resort is forbidden. For text of similar law, see sec. 2223, Delaware Code.]

SEC. 2447. *Permits required.*—[The employment of any male under 14 or any female under 16, except in farm or house work, without a written permit from the judge of the county court is a misdemeanor.]

Smoking in factories, etc.

SECTION 2521. *Smoking an offense, when.*—Every person who shall light a pipe, cigar, or cigarette in, or who shall enter with a lighted pipe, cigar, or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters, stating that no smoking is allowed in such building, shall be guilty of a misdemeanor.

Railroads—Illiteracy of employees

SECTION 2526. *Employing illiterate persons.*—Every person who, as an officer of a corporation or otherwise, shall knowingly employ as an engineer or engine driver, to run a locomotive or train on any railway, any person who can not read time-tables and ordinary handwriting; and every person who, being unable to read time-tables and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

Contracts of employment—Violation endangering life

SECTION 2533. *Breaking contract, endangering life.*—Every person who shall willfully and maliciously, either alone or in combination with others, break a contract of service or employment, knowing or having reasonable cause to believe that the consequence of his so doing will be to endanger human life or to cause grievous bodily injury, or to expose valuable property to destruction or serious injury, shall be guilty of a misdemeanor.

Payment of wages—Failure by contractor

SECTION 2604. *Application of law.*—Every person, having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, shall be deemed within the meaning of section 2601 [defining larceny], subdivision 3, to receive the same as the agent of the party with whom such contract was made, his successor or assign, for the purpose of paying all claims for labor and materials supplied.

Interference with employment—Coercion

SECTION 2614. *Interference, etc.*—Every person who, with intent to compel another to do or abstain from doing any act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully—

* * * * * * *

(2) Deprive such person of any tool, implement, or clothing, or hinder him in the use thereof; or

(3) Attempt to intimidate such person by threats or force, shall be guilty of a misdemeanor.

Forgery of employer's certificates, etc.

SECTION 2623. *False recommendations, etc.*—Every person who shall obtain employment or appointment to any office or place of trust, by color or aid of any false or forged letter or certificate of recommendation, shall be guilty of a misdemeanor.

Employment offices—False representations

SECTION 2624. *Making false statements.*—Every employment agent or broker who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor.

Bribery of labor agents, employees, etc.

SECTION 2676. *Giving gratuities.*—Every person who shall give, offer, or promise, directly or indirectly, any compensation, gratuity, or reward to any duly constituted representative of a labor organization, with intent to influence him in respect to any of his acts, decisions, or other duties as such representative, or to induce him to prevent or cause a strike by the employees of any person or corporation, shall be guilty of a gross misdemeanor.

SEC. 2677. *Agents of labor organizations asking gratuities.*—Every person who, being the duly constituted representative of a labor organization, shall ask or receive, directly or indirectly, any compensation, gratuity, or reward, or any promise thereof, upon any agreement or understanding that any of his acts, decisions, or other duties as such representative, or any act to prevent or cause a strike of the employees of any person or corporation shall be influenced thereby, shall be guilty of a gross misdemeanor.

SEC. 2678. *Bribing agents of labor organizations.*—Every person who shall give, offer, or promise, directly or indirectly, any compensation, gratuity, or reward to any agent, employee, or servant of any person or corporation, with intent to influence his action in relation to his principal's, employer's, or master's business, shall be guilty of a gross misdemeanor.

SEC. 2679. *Employees asking gratuities.*—Every agent, employee, or servant of any person or corporation who shall ask or receive, directly or indirectly, any compensation, gratuity, or reward, or any promise thereof, upon any agreement or understanding that he shall act in any particular manner in connection with his principal's, employer's, or master's business; or who, being authorized to purchase or contract for materials, supplies, or other articles, or to employ servants or labor for his principal, employer, or master, shall ask or receive, directly or indirectly, for himself or another, a commismission, discount, bonus, or promise thereof from any person with whom he may deal in relation to such matters, shall be guilty of a gross misdemeanor.

Employment of children—School attendance

SECTION 4714. *Attendance required.*—[All children under 15, and all under 16 not regularly and lawfully employed in a useful occupation, must attend school the full term unless excused for sufficient reason by the district or county superintendent of schools.]

SEC. 4715. *Certificates.*—[No child under 15 may be employed during school hours without a certificate from the superintendent of schools.]

SEC. 4717. *Enforcement.*—[Attendance officers may visit all places of employment in the enforcement of this act.]

Commissioner of labor[1]

SECTION 6553. *Duties.*—It shall be the duty of such officer and employees of the said bureau to cause to be enforced all laws regulating the employment of children, minors, and women, all laws established for the protection of the health, lives, and limbs of operators in workshops, factories, mills, and mines, on railroads and other places, and all laws enacted for the protection of the working classes, and declaim it a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights of citizenship, laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of officers and employees of the bureau to collect, assort, arrange, and present in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the State; to the subjects of corporations, strikes or other labor difficulties; to trade-unions and other labor organizations and their effect upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all proceedings of its officers and employees which have been taken in accordance with the provisions of this act or of any other acts herein referred

[1] See chapter 7, Acts of 1921.

to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such accounts and such remarks, suggestions, and recommendations as the commissioner may deem necessary.

SEC. 6554. *Duties of owners of factories, etc.*—It shall be the duty of every owner, operator, or manager of every factory, workshop, mill, mine, or other establishment where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the commissioner of labor, and shall certify to the correctness of the same. In the reports of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent, or employee of said bureau violating this provision shall be fined in the sum not exceeding five hundred dollars, or be imprisoned for not more than one year.

Payment of wages in scrip

SECTION 6560. *Scrip to be redeemable.*—It shall not be lawful for any corporation, person, or firm engaged in manufacturing of any kind in this State, mining, railroading, constructing railroads, or any business or enterprise of whatsoever kind in this State, to issue, pay out or circulate for payment of wages of any labor, any order, check, memorandum, token, or evidence of indebtedness, payable in whole or in part otherwise than in lawful money of the United States, unless the same is negotiable and redeemable at its face value, without discount, in cash or on demand, at the store or other place of business of such firm, person, or corporation when [where] the same is issued, and the person who, or company which may issue any such order, check, memorandum, token or other evidence of indebtedness shall upon presentation and demand redeem the same in lawful money of the United States. And when any laborer performing work or labor as above shall cease to work whether by discharge or by voluntary withdrawal the wages due shall be forthwith paid either in cash or by order redeemable in cash at its face value on presentment at bank, store, commissary, or other place in the county where the labor was performed: *Provided*, Such order may be given payable in another county when the place of employment is more convenient of access to the employee.

SEC. 6561. *Violations.*—[Failure to comply with the provisions of this act entails a fine not exceeding $300, or upon failure to pay such fine, imprisonment until the fine is exhausted.]

SEC. 6562. *Attorneys' fees.*—Whenever any person or persons, company, or corporation, is compelled to sue for the recovery of the face value of check, memorandum, token, or evidence of indebtedness, issued or circulated for the payment of wages for labor, by reason of the failure of any person, firm, company, or person [corporation] issuing the same, failing or refusing to pay the same on demand, as provided by section 6560 of this chapter, then in such case, if judgment should be granted the plaintiff, the court shall tax an attorney's fee of not less than ten nor more than twenty-five dollars to said judgment, and the further sum of twenty-five dollars as damages to the plaintiff, suffered by the plaintiff by reason of being compelled to sue the said claim: *Provided*, That no plaintiff shall recover more than the face value of his said claim where the payment is refused by reason of a dispute as to the ownership of the said claim, or where it appears satisfactorily to the court or jury that the defendant had a sufficient excuse for the refusal of the payment of the said claim, the burden to prove the said sufficient excuse being on the defendant; and should the court or jury find such sufficient excuse, the same is to be specified in the judgment or verdict of said court or jury.

This act is not unconstitutional. 88 Pac. 212.

The sum of $25 awarded as damages becomes a part of the "amount in controversy," so that an appeal may be taken from a judgment in a justice's court, even though the wage debt is less than $20. 131 Pac. 466.

The requirement of sec. 6560 as to payment at the end of employment is a declaration of public policy, and cannot be waived by contract. Burdette v. Dairy Co., 212 Pac. 181.

Assignments of wages

SECTION 6563. *Employer to accept.*—No assignment of, or order for, wages to be earned in the future to secure a loan of less than three hundred dollars, shall be valid against an employer of the person making said assignment or order unless said assignment or order is accepted in writing by the employer, and said assignment or order, and the acceptance of the same, have been filed and recorded with the county auditor of the county where the party making said assignment or order resides, if a resident of the State, or in which he is employed, if not a resident of the State.

SEC. 6564. *Wife to join.*—No assignment of, or order for, wages to be earned in the future shall be valid, when made by a married man, unless the written consent of his wife to the making of such assignment or order is attached thereto.

Blacklisting

SECTION 6565. *Blacklisting forbidden.*—Every person in this State who shall willfully and maliciously, send or deliver, or make, or cause to be made, for the purpose of being delivered or sent, or part with the possession of any paper, letter or writing, with or without name signed thereto, or signed with a fictitious name, or with any letter, mark or other designation, or publish or cause to be published any statement for the purpose of preventing any other person from obtaining employment in this State or elsewhere, and every person who shall willfully and maliciously "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing or publishing, or causing the same to be done, the name, or mark, or designation representing the name of any person in any paper, pamphlet, circular or book, together with any statement concerning persons so named, or publish or cause to be published that any person is a member of any secret organization, for the purpose of preventing such person from securing employment, or who shall willfully and maliciously make or issue any statement or paper that will tend to influence or prejudice the mind of any employer against the person of such person seeking employment, or any person who shall do any of the things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation, individual or individuals, shall, on conviction thereof, be adjudged guilty of [a] misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment.

Employment of women and children

SECTION 6569. *Sex not a bar.*—* * * every avenue of employment shall be open to women; and any business, vocation, profession, and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling, or employment on account of sex: *Provided*, That this section shall not be construed so as to permit women to hold public office.

SEC. 6570. *Children as messengers: factory, etc., work.*—[Minors under 19 may not be employed as public messengers in any city of the first class; nor may any child under 14 be employed in any factory, mill, workshop or store. However, a child over 12 may be given a permit if its labor is necessary for its own support or that of parent; also permits for messenger service may be allowed children over 14 on conditions fixed by the court. All permits are to be for a limited time, and subject to revocation by the judge by whom issued.]

Hours of labor

SECTION 6572. *Eight hours a day's labor on public work.*—Hereafter eight hours in any calendar day shall constitute a day's work on any work done for the State or any county or municipality within the State, subject to conditions hereinafter provided.

Work preliminary to the principal employment, as the harnessing, etc., of horses by a teamster, can not be excluded from the reckoning so as to require eight hours "on the job," in addition to such work. 121 Pac. 987.

SEC. 6573. *Application of law.*—All work done by contract or subcontract on any building or improvements or works on roads, bridges, streets, alleys or buildings for the State or any county or municipality within the State, shall be done under the provisions of this act: *Provided*, That in cases of extraordinary emergency such as danger to life or property, the hours for work may be extended, but in such case the rate of pay for time employed in excess of eight hours of each calendar day, shall be one and one-half times the rate of pay allowed for the same amount of time during eight hours' service. And for this purpose this act is made a part of all contracts, subcontracts or agreements for work done for the State or any county or municipality within the State.

SEC. 6574. *Violations.*—[Violations of provisions of this act are punishable by fine, $25 to $200, or imprisonment 10 days to 90 days, or both.]

Sections 6572–6574 are not impliedly repealed by secs. 6575–6577, since the two acts may stand together. 43 Wash. 116.

SEC. 6575. *Eight-hour limit.*—It is a part of the public policy of the State of Washington that all work "by contract or day labor done" for it, or any political subdivision created by its laws, shall be performed in workdays of not more than eight hours each, except in cases of extraordinary emergency. No case of extraordinary emergency shall be construed to exist in any case where other labor can be found to take the place of labor which has already been employed for eight hours in any calendar day.

SEC. 6576. *Provision in contracts.*—All contracts for work for the State of Washington, or any politieal subdivision created by its laws, shall provide that they may be canceled by the officers or agents authorized to contract for or supervise the execution of such work, in case snch work is not performed in accordance with the policy of the State relating to such work.

SEC. 6577. *Enforcement.*—It is made the duty of all officers or agents authorized to contract for work to be done in behalf of the State of Washington, or any political subdivision created under its laws, to stipnlate in all contracts as provided for in this act [secs. 6575–6577], and all such officers and agents, and all officers and agents intrusted with the supervision of work performed under such contracts, are authorized, and it is made their duty, to declare any contract eanceled, the execution of which is not in accordance with the public policy of this State as herein declared.

SEC. 6578. *Limit of a day's labor on street railways.*—No person, agent, officer, manager or superintendent or receiver of any corporation or owner of street cars shall reqnire his or its gripmen, motormen, drivers or conductors to work more than ten hours in any twenty-four hours.

SEC. 6579. *Violations.*—[Failure to comply with last preceding section is punishable by fine, $25 to $100 for each day's violation.]

SEC. 6583. *Eight hours a day's labor in mines.*—It shall be unlawful for any person, firm, or corporation operating any coal mine, within the State of Washington, to cause any employee to remain at his place of work, where the same is situated underground, for more than eight (8) hours, exclusive of one-half (½) hour for lnnch, in any one calendar day of twenty-four (24) hours. Any person, firm or eorporation, or the agent of any person, firm or corporation, violating the provisions of this seetion shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than ten dollars ($10) or more than one hnndred dollars ($100) for each offense.

SEC. 6584. *Remaining at working place.*—It shall be unlawfnl for any person in the employ of any person, firm, or corporation operating any coal mine, within the State of Washington, to willfully remain at, or in his working place, where the same shall be underground, to exceed eight (8) hours, exclusive of one-half (½) hour for lunch, in any one calendar day of twenty-four (24) hours. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five dollars ($5) or more than twenty dollars ($20) for each offense.

SEC. 6585. *Exemptions.*—The provisions of this act [secs. 6583–6586] shall not apply to or prohibit engineers, rope riders, motormen, cagers, or others necessarily employed in transporting men in and out of the mine: *Provided, however*, That all persons so employed shall not work more than ten (10) hours in any one ealendar day: *And provided further*, That this act shall not be construed to prohibit extra hours of employment underground, necessitated by a weekly change of shift, or where rendered nccessary by reason of any

accident, or for the purpose of making unavoidable repairs, or for the protection of property or human life.

SEC. 6586. *Enforcement.*—It shall be the duty of the State inspector of coal mines to enforce the provisions of this act [sec. 6583–6586].

Inspection and regulation of factories, etc.

SECTION 6587. *Belt shifters, guards, etc.*—Any person, firm, corporation, or association operating a factory, mill, or workshop where machinery is used shall provide and maintain in use belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running where the same are practicable, with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of other or similar description which it is practicable to guard and which can be effectively guarded, with due regard to the ordinary use of such machinery and appliances and the dangers to employees therefrom, and with which the employees of any such factory, mill, or workshop are liable to come in contact while in the performance of their duties; and if any machine or any part thereof is in a defective condition and its operation would be extrahazardous because of such defect, or if any machine is not safeguarded as provided in this act, the use thereof is prohibited and a notice to that effect shall be attached thereto by the employer or inspector immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be moved until said defect has been remedied or the machine safeguarded as herein provided.

The requirement that shafting be guarded does not extend to revolving rods and bars being worked upon as materials, even though their movement is similar. 134 Pac. 471.

SEC. 6588. *Ventilation.*—Every factory or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an inclosed room (private houses in which the employees live excepted) shall be provided in each workroom thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, as far as practicable, all gases, vapors, dust, or other impurities generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill, or workshop any process is carried on in any inclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles, or exhaust fans, or other mechanical means shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

SEC. 6589. *Hoistways, etc.*—The openings of all hoistways, hatchways, elevators, and wellholes and stairways in factories, mills, workshops, storehouses, warerooms, or stores shall be protected, where practicable, by good and sufficient trapdoors, hatches, fences, gates, or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

SEC. 6590. *Annual inspections.*—It shall be the duty of the commissioner of labor, by himself or his duly appointed deputy, to examine, as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores, and buildings, and the machinery and appliances therein contained to which the provisions of this chapter are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, whether requested to do so or not.

SEC. 6591. *Requests for inspection.*—Any person, firm, corporation or association carrying on business, to which the provisions of this act are applicable, shall have the right to make written request to said commissioner of labor to inspect any factory, mill, or workshop, and the machinery therein used, and any storehouse, wareroom, or store which said applicant is operating, occupying, or using, and to issue his certificate of approval thereof; and said commissioner of labor, by himself or his deputy, shall forthwith make said inspection. Upon receiving such application the commissioner of labor shall issue to the person making the same an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment by said com-

missioner of labor, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said commissioner of labor: *Provided*, Said applicant has not been notified by an inspector what alterations or repairs are necessary: *Provided*, The commissioner of labor, by himself or deputy, shall make such examination annually, whether requested to do so or not.

SEC. 6592. *Employees to give notice of defects.*—Any employee of any person, firm, corporation, or association shall notify his employer of any defect in or failure to guard the machinery, appliances, ways, works, and plants with which or about which he is working when such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects, then said employee may complain in writing to the commissioner of labor of any such alleged defects in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation, or association of any of the provisions of this chapter [secs. 6587–6598], in the machinery and appliances and premises used by such person, firm, corporation, or association, and with or about which such employee is working, and upon receiving such complaint it shall be the duty of the commissioner of labor, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

SEC. 6593. *Certificates.*—Whenever upon examination or reexamination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this chapter are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said commissioner of labor to the requirements of this chapter, he shall thereupon issue to the owner, lessee or occupant of such factory, mill or workshop or to the owner, lessee or occupant of any such storehouse, warerooom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on the part of the person, firm, corporation or association to whom it is issued, with the provisions of this act [secs. 6587–6598]. Such certificate may be revoked by said commissioner of labor at any time upon written notice to the person, firm, corporation or association holding the same, whenever in his opinion after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or store to which the provisions of this act are applicable. If, in the judgment of said commissioner of labor, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, warerooom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said commissioner of labor before he will issue a certificate as hereinbefore provided for; said requirements shall be complied with within a period of thirty days after said requirements have been served as aforesaid and thereupon the said commissioner of labor shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said commissioner of labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said commissioner of labor have been served upon him appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the commissioner of labor. Such appeal shall be in writing, addressed to the commissioner of labor and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal it shall be the duty of the commissioner of labor to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing, stating the cause of the abitration, and the place, date and time of meeting. These two arbitrators shall select the third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the commis-

sioner of labor, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said commissioner of labor or any part thereof, said applicant shall within thirty days comply with the findings of said arbitrators, and thereupon said commissioner of labor shall issue his certificate as hereinbefore provided (in section 6500), but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said commissioner of labor; and any such person, firm, corporation or association shall within thirty days, after the finding of the board of arbitrators, comply with the requirements of the commissioner of labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said commissioner of labor shall forthwith issue to any person, firm, corporation or association, his certificate as provided for in section 6590: *Provided, however*, That before any certificate shall be issued by said commissioner of labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the commissioner of labor of the State of Washington, an annual fee of ten dollars (provided, that any person, firm, corporation or association, employing not to exceed five persons in said factory, mill or workshop shall pay a fee of five dollars), and take his receipt therefor: *It is further provided*, That the withholding of such certificate shall not excuse such person, firm, corporation or association from obtaining the same and paying the required inspection fee, and the person, firm, corporation or association inspected shall likewise be civilly liable for such inspection fee.

Upon presentation of said receipt to said commissioner of labor, or his deputy, he shall forthwith issue said certificate as in this chapter provided. Said fee shall entitle the person, firm, corporation, or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom, or store, and the machinery and appliances contained therein, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury and be converted into a special factory inspection fund, from which special fund shall be paid the deputy factory inspectors required to enforce the provisions of this chapter. Said deputy factory inspectors shall be paid from the special factory inspection fund, upon the presentation of vouchers properly signed by the labor commissioner in the same manner in which other employees of the State are paid.

Sec. 6597. *Violations.*—[Penalty for violation is a fine, $25 to $100.]

Sec. 6598. *Act to be posted.*—A copy of this chapter together with the name and address of the commissioner of labor, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom, or store, and at the office of every public and private work to which the provisions of this chapter are applicable, upon the same being supplied to the operators, owners, lessee, or occupants, of such places with sufficient copies thereof by the commissioner of labor.

Arbitration of labor disputes

Section 6599. *Duty of labor commissioner.*—It shall be the duty of the State labor commissioner upon application of any employer or employee having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said commissioner, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from citizens of the State as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

Sec. 6600. *Proceedings.*—The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

SEC. 6601. *Notice served by officer.*—Any notice or process issued by the board herein created, shall be served by any sheriff, coroner, or constable to whom the same may be directed, or in whose hands the same may be placed for service.

SEC. 6602. *Compensation.*—Such arbitrators shall receive five dollars per day for each day actually engaged in such arbitration and the necessary traveling expenses to be paid upon certificate of the labor commissioner out of the fund appropriated for the purpose or at the disposal of the bureau of labor applicable to such expenditure.

SEC. 6603. *Statement of facts.*—Upon the failure of the labor commissioner, in any case, to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicly [publicity] in such newspapers as desire to use it.

SEC. 6604. *Maintenance; parties may tender expenses.*—In case the funds herein provided are exhausted and either party to a proposed arbitration shall tender the necessary expenses for conducting said arbitration, then it shall be the duty of the State labor commissioner to request the opposite party to arbitrate such differences in accordance with the provisions of this chapter.

Inspection of steam vessels and boilers

SECTIONS 8213–8240. *Inspection required.*—[The commissioner of labor is charged with the duty of enforcing this act and may appoint the necessary inspectors. Vessels not subject to Federal inspection must be inspected at least annually as to hull, boats, machinery, and equipment, the boilers tested, and certificates given if found safe. The construction of vessels must be such as to protect against danger of fire; the loading of safety valves is forbidden, or the creating of an unsafe amount of steam. A copy of the act is to be posted in a conspicuous place on each vessel. The fee for inspection is from $5 to $20, according to the size of the vessel.]

Railroad employees—Purchase of uniforms.

SECTION 8727. *Employees not to be restricted in buying.*—It shall be unlawful for any railroad or other transportation company doing business in the State of Washington, or of any officer, agent, or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, purser, or other employee, as a condition of his continued employment, or otherwise to require or compel, or attempt to require or compel, any such employee to purchase of any such railroad or other transportation company or of any particular person, firm, or corporation or at any particular place or places, any uniform or other clothing or apparel, required by any such railroad or other transportation company to be used by any such employee in the performance of his duties as such; and any such railroad or transportation company or any officer, agent, or servant thereof, who shall order or require any conductor, engineer, brakeman, fireman, purser, or other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid, shall be deemed to have required such purchase as a condition of such employee's continued employment.

SEC. 8728. *Violations.*—[Penalties are fines, $100 to $500, or imprisonment not exceeding six months.]

Street railways—Qualifications of employees—Protection

SECTION 9071. *Competent men required.*—Hereafter street railway or street car companies or street car corporations, shall employ none but competent men to operate or assist as conductors, motormen, or gripmen upon any street railway, or street car line in this State.

SEC. 9072. *Who deemed competent.*—A man shall be deemed competent to operate or assist in operating cars (or dummies) usually used by street railway or street car companies, or corporations, only after first having served at least three days under personal instruction of a regularly employed conductor, motorman, or gripman on a car or dummy in actual service on the particular

street railway or street car line for which the service of an additional man or additional men may be required: *Provided*, That during a strike on the street car lines the railway companies may employ competent men who have not worked three days on said particular street car line.

SEC. 9073. *Violations.*—[A fine of from $50 to $100 or imprisonment 30 days, or both is the penalty for violation.]

SEC. 9076. *Vestibules to be provided, when.*—All corporations, companies, or individuals owning, managing, or operating any street railway or line in the State of Washington, shall provide, during the rain or winter season, all cars run or used on its or their respective roads with good, substantial, and sufficient vestibules, or weather guards, for the protection of the employees of such corporation, company, or individual.

SEC. 9077. *Construction.*—The vestibules or weather guards, provided for in the last [preceding] section, shall be so constructed as to protect the employees of such company, corporation, or individual from the wind, rain, or snow.

SEC. 9078. *Violations.*—[Violations of the two preceding sections are punishable by fine, $50 to $250, each period of 10 days' continued failure to comply constituting a separate offense.]

ACTS OF 1911

CHAPTER 37.—*Employment of women—Hours of labor—Seats*

SECTION 1. *Eight-hour day.*—No female shall be employed in any mechanical or mercantile establishment, laundry, hotel, or restaurant in this State more than eight hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than eight hours during the twenty-four: *Provided, however*, That the provisions of this section in relation to the hours of employment shall not apply to, nor affect, females employed in harvesting, packing, curing, canning, or drying any variety of perishable fruit or vegetable, nor to females employed in canning fish or shellfish. If it shall be adjudicated that the foregoing proviso and exception shall be unconstitutional and invalid for any reason, an adjudication of invalidity of said proviso or of any part of this act shall not affect the validity of the act as a whole or any other part thereof.

SEC. 2. *Seats.*—Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed, and every employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this act printed in such form and style as may be prescribed by the commissioner of labor.

SEC. 3. *Violations.*—Any employer, overseer, superintendent, or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than one hundred dollars.

This statute is constitutional, nor does the exception as to work in canneries invalidate it. 122 Pac. 324.

Not all work in a cannery is excepted, so that work not directly necessary to the canning, as lacquering to prevent rusting, can not be carried on for more than eight hours. 131 Pac. 452.

CHAPTER 65.—*Mine regulations—Powder*

SECTION 1. *Storage.*—[Magazines, properly marked, must be provided at or near the entrance of coal mines, subject to the approval of the State mine inspector, for the storage of powder or other explosives, the same to be issued daily in suitable receptables, in amounts sufficient for one day's use.]

CHAPTER 117.—*Public service companies—Inspection and regulation*

SECTION 35. *Accommodations.*— * * *

Every telephone and telegraph company operating in this State shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort, and convenience of its patrons and employees.

* * * * * * *

SEC. 63. *Accidents.*—[Notice is to be given to the public service commission of accidents causing death or personal injury on the lines, plant, or system of any public service company, and the commission may investigate the same. Due notice of the hearing must be given, but the required notice shall not be admitted as evidence on any action for damages.]

SEC. 65. *Defects.*—[Where investigation by the commission discovers defective conditions in apparatus, tracks, etc., dangerous to employees or to the public, it shall direct necessary repairs and may prescribe the rate of speed of trains, etc., over such defective way, or forbid its use until made safe. No appeal is allowed.]

SEC. 66. * * * *Equipment of street cars.*—[Every street car shall be equipped with proper and efficient brakes, steps, grab irons or handrails, fenders, or aprons or pilots, and with such other appliances, apparatus, and machinery necessary for the safe operation of such street car as the commission may prescribe.]

* * * * * * *

SEC. 67. *Inspection.*—[The inspector of tracks, bridges, structures, and equipment and his deputies are charged with the duty of inspection and the enforcement of the law as to unsafe appliances, equipment, etc. Orders as to repair are to be made, and reports to the commission. Inspectors may ride on cars, engines, etc., for purposes of inspection.]

ACTS OF 1913

CHAPTER 174.—*Employment of women and children—Minimum wages*

SECTION 1. *Grounds of law.*—The welfare of the State of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The State of Washington, therefore, exercising herein its police and sovereign power, declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

SEC. 2. *Employment under detrimental conditions.*—It shall be unlawful to employ women or minors in any industry or occupation within the State of Washington under conditions of labor detrimental to their health or morals; and it shall be unlawful to employ women workers in any industry within the State of Washington at wages which are not adequate for their maintenance.

SECS. 3–5. *Industrial welfare commission.*—[This body is superseded by an industrial welfare committee in the department of labor and industries; see sec. 82, ch. 7, Acts of 1921.]

SEC. 6. *Powers and duties.*—It shall be the duty of the commission to ascertain the wages and conditions of labor of women and minors in the various occupations, trades, and industries in which said women and minors are employed in the State of Washington. To this end, said commission shall have full power and authority to call for statements and to examine, either through its members or other authorized representatives, all books, pay rolls, or other records of all persons, firms, and corporations employing females or minors as to any matters that would have a bearing upon the question of wages of labor or conditions of labor of said employees.

SEC. 7. *Records of employees.*—Every employer of women and minors shall keep a record of the names of all women and minors employed by him, and shall on request permit the commission or any of its members or authorized representatives to inspect such record.

SEC. 8. "*Minor*" *defined.*—For the purposes of this act a minor is defined to be a person of either sex under the age of eighteen (18) years.

SEC. 9. *Hearings.*—The commission shall specify times to hold public hearings, at which times employers, employees, or other interested persons may appear and give testimony as to the matter under consideration. The commission shall have power to subpœna witnesses and to administer oaths. All witnesses subpœned by the commission shall be paid the same mileage and per diem allowed by law for witnesses before the superior court in civil cases.

SEC. 10. *Conferences.*—If, after investigation, the commission shall find that in any occupation, trade, or industry, the wages paid to female employees are inadequate to supply them necessary cost of living and to maintain the workers in health, or that the conditions of labor are prejudicial to the health or morals of the workers, the commission is empowered to call a conference composed of

an equal number of representatives of employers and employees in the occupation or industry in question, together with one or more disinterested persons representing the public; but the representatives of the public shall not exceed the number of representatives of either of the other parties; and a member of the commission shall be a member of such conference and chairman thereof. The commission shall make rules and regulations governing the selection of representatives and the mode of procedure of said conference, and shall exercise exclusive jurisdiction over all questions arising as to the validity of the procedure and of the recommendations of said conference. On request of the commission, it shall be the duty of the conference to recommend to the commission an estimate of the minimum wage adequate in the occupation or industry in question to supply the necessary cost of living, and maintain the workers in health, and to recommend standards of conditions or labor demanded for the health and morals of the employees. The findings and recommendations of the conference shall be made a matter of record for the use of the commission.

SEC. 11. *Review by commission.*—Upon receipt of such recommendations from a conference, the commission shall review the same and may approve any or all of such recommendations, or it may disapprove any or all of them, and recommit the subject or the recommendations disapproved of, to the same or a new conference. After such approval of the recommendations of a conference the commission shall issue an obligatory order to be effective in sixty (60) days from the date of said order, or if the commission shall find that unusual conditions necessitate a longer period, then it shall fix a later date, specifying the minimum wage for women in the occupation affected, and the standard conditions of labor for said women; and after such order is effective, it shall be unlawful for any employer in said occupation to employ women over eighteen (18) years of age for less than the rate of wages, or under conditions of labor prohibited for women in the said occupation. The commission shall send by mail so far as practicable to each employer in the occupation in question a copy of the order, and each employer shall be required to post a copy of said order in each room in which women affected by the order are employed. When such commission shall specify a minimum wage hereunder the same shall not be changed for one year from the date when such minimum wage is so fixed.

SEC. 12. *Revision of orders.*—Whenever wages or standard conditions of labor have been made mandatory in any occupation, upon petition of either employers or employees, the commission may at its discretion reopen the question and reconvene the former conference or call a new one, and any recommendations made by such conference shall be dealt with in the same manner as the original recommendations of a conference.

SEC. 13. *Special licenses.*—For any occupation in which a minimum rate has been established, the commission through its secretary may issue to a woman physically defective or crippled by age or otherwise, or to an apprentice in such class of employment or occupation as usually requires to be learned by apprentices, a special license authorizing the employment of such licensee for a wage less than the legal minimum wage; and the commission shall fix the minimum wage for said person, such special license to be issued only in such cases as the commission may decide the same is applied for in good faith and that such license for apprentices shall be in force for such length of time as the said commission shall decide and determine is proper.

SEC. 14. *Minors.*—The commission may at any time inquire into wages and conditions of labor of minors employed in any occupation in the State and may determine wages and conditions of labor suitable for such minors. When the commission has made such determination in the cases of minors it may proceed to issue an obligatory order in the manner provided for in section 11 of this act, and after such order is effective it shall be unlawful for any employer in said occupation to employ a minor for less wages than is specified for minors in said occupation, or under conditions of labor prohibited by the commission for said minors in its order.

SEC. 15. *Duty of commissioner of labor.*—Upon the request of the commission the commissioner of labor of the State of Washington shall furnish to the commission such statistics as the commission may require.

SEC. 16. *Discrimination by employers.*—Any employer who discharges, or in any other manner discriminates against any employee because such employee

has testified or is about to testify, or because such employer believes that said employee may testify in any investigation or proceedings relative to the enforcement of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of from twenty-five dollars ($25) to one hundred dollars ($100) for each such misdemeanor.

SEC. 17. *Violations.*—[Violations of any provisions of this act entail a fine of $25 to $100.]

SEC. 17½. *Complaints.*—Any worker or the parent or guardian of any minor to whom this act applies may complain to the commission that the wages paid to the workers are less than the minimum rate and the commission shall investigate the same and proceed under this act in behalf of the worker.

SEC. 18. *Actions by employees.*—If any employee shall receive less than the legal minimum wage, except as hereinbefore provided in section 13, said employee shall be entitled to recover in a civil action the full amount of the legal minimum wage as herein provided for, together with costs and attorney's fees to be fixed by the court, notwithstanding any agreement to work for such lesser wage. In such action, however, the employer shall be credited with any wages which have been paid upon account.

SEC. 19. *Questions of fact and of law.*—All questions of fact arising under this act shall be determined by the commission and there shall be no appeal from its decision under said question of fact. Either employer or employee shall have the right of appeal to the superior court on questions of law.

This act is constitutional. The State has an interest in the maintenance of the standard fixed, and a settlement for a lower rate of wages is voidable if not void. Larsen *v.* Rice, 100 Wash. 642, 171 Pac. 1037.

ACTS OF 1915

CHAPTER 68.—*Employment of women and children—Telephone and telegraph companies*

SECTION 1 (as amended 1917, ch. 29). *Standards of wages, etc.*—[The employment conditions of "women and minors employed in telephone and telegraph industries in rural communities and in cities of less than 3,000 population" are placed specifically in the hands of the industrial welfare commission (now committee.)]

ACTS OF 1917

CHAPTER 36 (as amended 1919, ch. 201).—*Mine regulations*

SECTIONS 1–220. *Inspection, safety, etc.*—[Provision is made for an inspection department (now in the division of safety of the department of labor and industries; see ch. 7, Acts of 1921), charged with the duty of inspecting all coal mines in operation at least every 4 months with special regard to the safety of the employees. An examining board (now the director of licenses; see sec. 96, ch. 7, Acts of 1921) passes upon the qualifications of inspectors.

The examining board is also to conduct examinations for applicants for certificates who desire to serve as mine foremen, assistant mine foremen, or fire bosses, the examination to be both practical and technical. Candidates must be experienced, and applicants for a first-class certificate must be at least 25 years of age, and those for second class at least 23 years. Rescue work and work in first aid are subjects to be included in the examination.

The act prescribes the ventilation to be afforded, directs the making and maintenance of maps and plans, requires a signal system for the hoisting apparatus and safety devices therefor, prescribes the duties of operators with regard to reports of accidents, the development of workings, the employment of certified foremen, etc., the inspection of boilers, the maintenance of washhouses for the use of the workmen, protection against fire, the location and construction of stables, the screening of coal, etc. The duties of the various officials are also indicated in detail, covering the matter of dangerous workings, inspections, blasting, etc.

A mine-rescue equipment is required in every mine employing as many as 20 men underground, with devices of an approved type.

Other regulations relate to the storage and use of powder and explosives, safety lamps, the sinking of shafts, and the installation of electrical equipment. The hours of labor are fixed at eight per day for underground work, exclusive of one-half hour for lunch, and employers and employees are alike

made responsible for the observance of this law. Engineers, rope riders, motormen, cagers, and other persons necessarily employed in transporting men in and out of the mine may work not to exceed ten hours per day.

The general rules contain a number of provisions as to safety, covering the subject of oils for lubrication and lighting, the checking in and out of employees, use of intoxicants, travel in the mines, care of safety lamps, the firing of shots, having matches or pipes in the mines, etc. No boy under 16 years of age and no girl or woman of any age may be employed underground; nor may any boy under 14 or any woman or girl be employed at surface workings, though this is not to affect the employment of boys or girls or women for clerical or messenger duty above ground, as permitted under the provisions of the school laws. The employment of checkweighmen is provided for, and the duties of miners, drivers, trip riders, engineers, firemen, etc., are separately laid down.]

ACTS OF 1919

CHAPTER 130.—*Protection of workmen—Safety regulations—Inspection*[1]

SECTION 6604–48. *Scope of law.*—Sections 6604–48 to sections 6604–120, inclusive, shall apply to all and only those establishments, those employers, and those workmen who are or shall be under the jurisdiction of the industrial insurance department.

SEC. 6604–49. *Place of work.*—The phrase "place of work" shall mean and include every place, whether indoors or out, or underground or elsewhere, and the premises appurtenant thereto, where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation directly or indirectly relating to any industry, trade, work, or business is carried on, including all construction work.

SEC. 6604–50. *Safety devices.*—The terms "safe" and "safety," as applied to an employment or place of work, "safeguard" or "safety device," shall mean such freedom from danger to the life or safety of workmen as the nature of the case will reasonably permit; and the two latter terms shall be given a broad interpretation so as to include any reasonably practical method of mitigating or preventing danger.

SEC. 6604–51. *Standards.*—For the purposes of this act it shall be the duty of every employer to furnish a place of work which shall be as safe for workmen therein as may be reasonable and practicable under the circumstances, surroundings, and conditions, and to furnish and use such safety devices and safeguards and to adopt and use such practices, means, methods, operations, and processes as under the circumstances, surroundings, and conditions are reasonable and practical in order to render the work and place of work safe, and to comply with such standards of safety of place of work and such safety devices and safeguards and such standards and systems of education for safety as shall be from time to time prescribed for such employer by the State safety board, or by statute, or by the State mining board.

SEC. 6604–52. *Cooperation by workmen.*—For the purposes of this act it shall be the duty of every workman to cooperate with his employer in all efforts for safety in respect of a safe place to work, safety devices, and safeguards, and for educational safety work, and to on his part comply with all standards of safety established for his work by the State safety board, or by statute, or by the State mining board, and not to remove, displace, damage or destroy any safety device or safeguard so established, nor interfere in any way with the use thereof by any other workman, nor interfere with the use of any method or process adopted or prescribed for the protection of the workmen in any place of employment. Any employer or workman who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed, any such safety device or safeguard shall be guilty of a misdemeanor.

SECS. 6604–53, 6604–54. *State safety board.*—[This board is abolished by ch. 7, Acts of 1921. Its duties devolve mainly on the division of safety in the department of labor and industries.]

SEC. 6604–55. *Duties.*—For all other work than coal mining, the State safety board, in accordance with the principles laid down in sections 6604–50, 6604–51, and 6604–52, shall make, and may from time to time modify, and shall promulgate standards of safety, to wit:

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[1] This chapter adds certain sections to the compensation or industrial insurance law, numbered as of later editions of the code.

(1) To make safe the place of work of workmen, same to be termed "safe place standards."

(2) Of safety devices and safeguards to make safe machines, tools, apparatus, and appliances, same to be termed "safety device standards."

(3) Of educational systems for the education and training of employer and workman in the appreciation and avoidance of danger and in the maintenance and use of safe place and safety device standards. The State safety board shall make, and may from time to time modify, and shall promulgate rules and regulations for the enforcement of the use of such standards of safety.

SEC. 6604-56. *Coal Mining Code.*—The safe place standards and safety device standards for the coal mines of the State, employer, and workman shall be those prescribed by chapter 36 of the Session Laws of 1917, approved March 2, 1917, as it may be amended from time to time. Such chapter and its amendments are hereinafter referred to as the "Coal Mining Code."

SEC. 6604-57. *Educational standards.*—The educational standards for coal mines and coal mining shall be prescribed by a board hereby created to be known as the "State mining board," consisting of two members, * * *.

[The appointment of this board now devolves upon the director of labor and industries. See sec. 76, ch. 7, Acts of 1921.]

SEC. 6604-58. *Members of mining board.*—One member of the State mining board must be a mine manager or superintendent or mine safety engineer, mine safety inspector, or stockholder of a mining corporation, and one member must be a workman in a coal mine in the State.

SECS. 6604-59 to 6604-64. *Nominations, term, etc.*—[Associations of employers and of workmen may nominate two persons each, from whom the appointments must be made; but if no name is thus presented the appointment will be made without precedent nomination. The term of service is six years, and the compensation is $10 for each day's attendance at a meeting of the board, with traveling expenses.]

SEC. 6604-65. *Who may make recommendations.*—Any coal-mine employer or workman, or association of either, or any joint committee of such employers and workmen, or the State mine inspector appointed under the provisions of the coal mining code, or any of his deputies, shall be authorized to make recommendations to the State mining board of educational standards or amendments of the same or modifications thereof. The making of the original educational standards shall be withheld for a period of thirty (30) days following the organization of the State mining board to await the receipt of such recommendations.

SEC. 6604-66. *Powers of board.*—The State mining board shall have power to make changes in its educational standards from time to time.

SEC. 6604-67. *Standards to be uniform.*—Standards of safety established by the State safety board shall be, as near as possible and practicable, uniform for each class or for each class subdivision of a class, which has been or may be divided into subdivisions by statute or by the industrial insurance commission, but such standards of safety and the educational standards established by the State mining board may vary between different localities, different classes or class subdivisions of industry, and different establishments in any class or class subdivision, where in the opinion of the board establishing same the working conditions warrant such differentiation, and where in the opinion of such board there are such differences as to render impracticable, inoperative, or unjust a uniform standard or standards.

SEC. 6604-68. *Who may make recommendations.*—Any employer or workman in any industry (other than coal mining), or association of either, or any joint committee of such employers and workmen, or the State labor commissioner shall be authorized to make recommendations to the State safety board of safety standards, or amendments therein, or modifications thereof. The making of the original standards of safety by the State safety board shall be withheld for a period of thirty days following the organization of that board to await the receipt of such recommendations.

SEC. 6604-69. *General and special standards.*—Standards of safety having uniform application throughout a class or class subdivision shall be known as "general standards." Standards of safety which shall not be of uniform application to any class or class subdivision shall be known as "special standards."

SEC. 6604-70. *Public hearings.*—At any time after the expiration of thirty days after the organization of the State mining board or the State safety

board, respectively, and from time to time thereafter as new standards or changes or modifications of existing standards are proposed, the State safety board or the State mining board, as the case may be, shall call a public hearing or hearings for the purpose of the consideration and establishment of standards of safety within its jurisdiction. At every such hearing the employers and workmen interested shall be privileged to attend and be heard in person or by their committee or committees or representatives.

SEC. 6604–71. *Notice.*—In advance of every such hearing, the board which is conducting the hearing shall cause a notice of the time and place of such hearing to be published at least once in a daily newspaper of general circulation, published and circulated in the community in, or as near as may be to the place where the establishment or establishments to be affected are located. If the subject of the hearing affects industries throughout the State, such publications shall be in a daily newspaper published in each city of the first class in the State, and such other cities as the board giving the notice shall select.

SEC. 6604–72. *Same.*—Written notice of every such hearing shall also be mailed under the direction of the board which is to conduct such hearing to each employer whose class, class subdivision, or establishment is affected. It shall be the duty of each employer receiving such a notice to forthwith post the same at his establishment for the information of his workmen.

SEC. 6604–73. *Defects, etc.*—No defect, inaccuracy, or informality in any such notice or in the publication thereof, nor the omission of notice by mail to any employer, shall invalidate any order or standard of safety established pursuant to such hearing, but no special standard of safety shall be valid unless written notice of the hearings shall have been mailed to the employer or employers of the establishment or establishments affected thereby. For hearings affecting a special standard only, publication of notice may be omitted.

SEC. 6604–74. *Approval of standards.*—No standard of safety which conflicts or is inconsistent with any safety device, safeguard, or safety standard, or rule heretofore established by statute, shall be established by the State safety board without the written consent of both members of the State safety board and the written approval of the same by the industrial insurance commission, the commissioner of labor, and the State mine inspector.

SEC. 6604–75. *State mine inspector.*—The State mine inspector shall have sole charge of the enforcement of the standards of safety for coal mining and of the inspection incident thereto.

SEC. 6604–76. *Deputy inspectors.*—For the purpose of the enforcement of standards of safety for mining, the State mine inspector shall have such number of deputy mine inspectors as he shall deem necessary, not to exceed three in all, including the one provided for by the Coal Mining Code.

SEC. 6604–77. *Duties.*—The duties of the deputy mine inspectors shall be to inspect the coal mines of the State, to ascertain and report compliance or noncompliance with safety standards, and to recommend improvements of safety standards.

SEC. 6604–78. *Appointment.*—The new deputy mine inspectors provided by section 6604–76 shall be appointed in the manner and shall be subject to the tests as to qualifications provided by the Coal Mining Code for deputy mine inspectors.

SEC. 6604–79. *Salary of chief mine inspector.*—The State mine inspector shall receive a monthly salary of one hundred dollars ($100) per month for the performance of his duties in enforcing the use of safety standards and inspecting and certifying the same. This monthly salary shall be in addition to the salary which is provided for him by the coal mining code.

SEC. 6604–80. *Salaries of deputy mine inspectors.*—Deputy mine inspectors other than the one provided by the coal mining code shall receive a monthly salary of two hundred and fifty dollars ($250).

SEC. 6604–81. *State labor commissioner.*—The State labor commissioner shall have under the supervision and control of the State safety board sole charge of the enforcement of safe place and safety device standards (other than for the mining of coal) and of inspection and certification thereof.

SEC. 6604–82. *Deputy inspectors.*—For the purpose of enforcement of safe place and safety device standards other than for coal mining the State labor commissioner shall appoint such number of deputy inspectors as may from time to time be authorized by the State safety board, and may from time to time remove any such deputy.

SEC. 6604–83. *Salaries.*—Depuſies of the State labor commissioner appointed under the provisions of section 6604–82 shall receive such compensation as may be determined from time to time by the State safety board.

SEC. 6604–86. *Salary of State labor commissioner.*—For the performance of his duties under section 6604–81 the State labor commissioner shall receive a salary of one hundred and fifty dollars per month in addition to his salary as State labor commissioner.

SEC. 6604–87. *Local aid districts.*—The State is hereby divided into three local aid districts numbered and described as follows:

Local aid district No. 1. That portion of the State lying east of the summit of the Cascade Mountains. Of this district the head office shall be at the city of Spokane.

Local aid district No. 2. King, Kitsap, Snohomish, Skagit, Whatcom, Island, San Juan, and Clallam Counties, and that portion of Jefferson County lying east of the west line of Mason County extended northward. Of this district the head office shall be at the city of Seattle.

Local aid district No. 3. The remaining portion of the State of Washington. Of this district the head office shall be at the city of Tacoma.

SECS. 6604–88 to 6604–93. *Local aid boards.*—[The duties of these boards now devolve upon the director of labor and industries, and these boards are abolished (ch. 7, Acts of 1921).]

SEC. 6604–94. *Inspection of coal mines.*—[Coal mines must be inspected every 4 months, and annual report made as to compliance or noncompliance with the established standards.]

SEC. 6604–95. *Other work places.*—[All establishments other than coal mines in which extrahazardous work is done must be similarly inspected and reported on.]

SECS. 6604–96 to 6604–117. [These sections relate to the subject of workmen's compensation insurance.]

SEC. 6604–118. *Safety standards.*—No safety regulation or practice prescribed by any municipal ordinance affecting the safety of workmen is hereby repealed, but in so far as any such regulation or practice shall be inconsistent with any safety standard established by the State safety board it shall be superseded thereby forthwith upon the delivery by the State safety board to the clerk of the municipality which shall have enacted such ordinance of a copy of a notice in writing of the establishment of such inconsistent safety standard.

SEC. 6604–119. *Provisions severable.*—Adjudication of invalidity of any of sections 6604–48 to 6604–120, inclusive, or any part of any section shall not impair or otherwise affect the validity of any other of said sections.

SEC. 6604–120. [Repeals conflicting acts.]

CHAPTER 185.—*Labor organizations—Injunctions*

SECTION 1. *Unions lawful.*—It shall be lawful for working men and women to organize themselves into, or carry on labor unions for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of such organizations; or carry out their legitimate purposes by any lawful means.

SEC. 2. *Injunctions restricted.*—No restraining order or injunction shall be granted by any court of this State, or any judge or judges thereof in any case between an employer and employee or between employer and employees or between employees or between persons employed and persons seeking employment involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable damage to property or to a personal right or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such petition must be in writing describing such damage or injury feared by the applicant, and sworn to by the applicant or his agent or attorney. No such restraining order or injunction shall prohibit any such person or persons, whether singly or in concert, from terminating any relation of employment or from ceasing to perform any work or labor; or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this section be considered or held to be illegal or unlawful in any court of the State.

SEC. 3. *Status of labor.*—The labor of a human being is not a commodity or article of commerce, and the right to enter into the relation of employer and employee or to change that relation except in violation of contract is a legal right. In all cases involving the violation of the contract of employment, either by the employee or employer, where no irreparable damage is about to be done to the property, personal rights or property rights of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

SEC. 4. *Indictments forbidden.*—No person shall be indicted, prosecuted, or tried in any court of this State for entering into or carrying on any lawful arrangement, agreement, or combination between themselves made with a view of lessening the number of hours of labor or increasing wages or bettering the conditions of working men and women, or for any lawful act done in pursuance thereof.

This statute does not legalize unlawful acts. Injunctions are not forbidden where needed to prevent irreparable injury. Pacific Coast Coal Co. *v.* United Mine Workers, Dist. No. 10, 210 Pac. 953.

CHAPTER 191.—*Employment of labor—Seasonal employment*

SECTION 1. *Definition.*—For the purpose of this act the term "seasonal labor" shall include all work performed by any person employed for a period of time greater than one month and where the wages for such work are not to be paid at any fixed interval of time, but at the termination of such employment, and where such person is hired within this State for work to be performed outside the State and the wages earned during said employment are to be paid in this State at the termination of such employment: *Provided*, That this act shall not apply to wages earned by seamen or other persons where the payment of their wages is regulated by Federal statutes.

SEC. 2. *Contracts.*—Every contract for seasonal labor shall be in writing and signed by the employer and the employee, and may provide for advances of moneys to be earned under such contract or for the furnishing of supplies to the employees before the wages are earned, and for the payment of money or the furnishing of supplies during the season.

SEC. 3. *Fraud.*—Every employee who with intent to defraud shall have secured advances of money or supplies under a contract for seasonal labor and who with intent to defraud shall willfully fail to perform sufficient labor to compensate for such advances and supplies made under such contract shall be guilty of a gross misdemeanor.

SEC. 4. *Disputes.*—Upon the written petition of either the employer or the employee setting forth in ordinary and concise language the facts and questions in dispute, the commissioner of labor shall, in person or by his duly authorized deputy, and is hereby authorized to hear and determine all disputes concerning wages earned at seasonal labor, and allow or reject deductions made from such wages for moneys advanced or supplies furnished before the wages are earned for money paid or supplies furnished during the season or for money paid to third persons upon the written order of the employee.

SEC. 5. *Hearings.*—Upon the filing of any such petition, the commissioner of labor shall notify the other party to the dispute of the time and place when and where such petition will be heard, and may set said petition for a hearing before a regularly appointed deputy at such place in the State as he shall determine is most convenient for the parties, and the commissioner or his deputy shall have power and authority to issue subpœnas to compel the attendance of witnesses and the production of books, papers, and records at such hearing, and to administer oaths. Obedience to such subpœna shall be enforced by the courts of the county where such hearing is held.

SEC. 6. *Findings.*—The commissioner of labor, or his deputy holding the hearing, shall, after such hearing, determine the amount due from the employer to the employee, and shall make findings of fact and an award in accordance therewith, which findings and award shall be filed in the office of the commissioner of labor, and a copy thereof served upon the employer and upon the employee by registered mail directed to their last known post-office address.

SEC. 7. *Appeal.*—Any person feeling himself aggrieved by the finding or award of the commissioner of labor may, as in the preceding section provided, have the right of appeal therefrom to the superior court of the county in which the hearing by the commissioner of labor or his deputy was held by filing a notice of appeal therefrom in the office of the commissioner of labor within

thirty days from the date of the findings and award, and upon the filing of any such notice of appeal the commissioner of labor shall transmit to the clerk of the superior court to which the appeal is taken the original petition and all exhibits and written evidence filed at the hearing and the original findings and award of the commissioner, and such appeal shall be set down for hearing and shall be heard de novo by the court as appeals from justices of the peace are heard, and the clerk of the court shall notify the parties to the dispute, by mail addressed to their last known place of residence, of the time and place of such trial upon appeal.

SEC. 8. *Suits.*—In case no appeal is taken from the award of the commissioner and suit shall be brought upon the contract for seasonal labor in any court of competent jurisdiction, the findings and award of the commissioner made in any proceeding under this act at a hearing at which both parties to such suit shall have appeared may be introduced in evidence in such suit for the information of the court in which the suit is pending, and may, in the discretion of the court, be submitted to the jury as a part of the evidence in the case; but such findings and award shall not be conclusive or binding upon the court or the jury in any such case.

ACTS OF 1921

CHAPTER 7.—*Administrative code—Department of labor and industries*

SECTION 2. *Department created.*—There shall be, and are hereby, created departments of the State government which shall be known, respectively, as * * * (7) the department of labor and industries, * * * which departments shall be charged, respectively, with the execution, enforcement, and administration of such laws and invested with such powers and required to perform such duties as the legislature may provide.

SEC. 3. *Officers.*—There shall be a chief executive officer of each of the departments of the State government created by this act, to be known, respectively, as * * * (7) the director of labor and industries, * * * who shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. * * *

SEC. 19. *Powers.*—The director of each department created by this act shall have the power to prescribe rules and regulations, not inconsistent with law, for the government of his department, the conduct of its subordinate officers and employees, the disposition and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

SEC. 20. *Office.*—Each department created by this act shall maintain its principal office at the State capital in rooms provided by the department of business control. The director of each department may, with the approval of the governor, establish and maintain branch offices at other places than the State capital for the conduct of one or more of the functions of his department.

SEC. 74. *Divisions.*—The department of labor and industries shall be organized into and consist of three divisions, to be known, respectively, as (1) the division of industrial insurance, (2) the division of safety, (3) the division of industrial relations. The director of labor and industries shall receive a salary of not to exceed seventy-five hundred dollars per annum, and have power to appoint such clerical assistants as may be necessary for the general administration of the department.

SEC. 75. *Supervisor of industrial insurance.*—The director of labor and industries shall have the power to appoint and deputize an assistant director, to be known as the supervisor of industrial insurance, who shall have charge and supervision of the division of industrial insurance, and, with the approval of the director, appoint and employ such adjusters, medical, and other examiners, auditors, inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

SEC. 76. *Supervisor of safety.*—The director of labor and industries shall have power, (1) to appoint and deputize an assistant director, to be known as the supervisor of safety, who shall have charge and supervision of the division of safety; (2) to appoint the State mining board, the members of which shall have the qualifications provided by law; and (3) to appoint and deputize a chief inspector of mines, who shall have the qualifications provided by law for the office of the State mine inspector. The supervisor of safety, with the

approval of the director, shall have power to appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. The chief mine inspector, with the approval of the director, shall appoint such qualified deputies as are provided by law.

SEC. 77. *Supervisor of industrial relations.*—The director of labor and industries shall have power to appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the State mediator, have charge and supervision of the division of industrial relations, and, with the approval of the director, shall appoint an assistant, to be known as the industrial statistician, and a female assistant, to be known as the supervisor of women in industry, and have power to appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

SEC. 78. *Industrial insurance.*—The director of labor and industries shall have the power, and it shall be his duty through and by means of the division of industrial insurance:

(1) To exercise all the powers and perform all the duties now vested in and required to be performed by the industrial insurance department and the commissioners thereof;

(2) To exercise all the powers and perform all the duties now vested in and required to be performed by the State medical aid board;

(3) To exercise all the powers and perform all the duties now vested in and required to be performed by the local aid boards;

(4) To have the custody of all property acquired by the State at execution sale upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs, to sell and dispose of the same at private sales for the sale purchase price, and to pay the proceeds into the State treasury to the credit of the industrial insurance fund or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the State;

(5) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 79. *Joint decisions.*—The director of labor and industries, the supervisor of industrial insurance, and the supervisor of safety shall have the power, and it shall be their duty to jointly hear and decide by a majority vote all matters arising in either the division of industrial insurance or the division of safety, which the director of labor and industries or the supervisor of industrial insurance or the supervisor of safety, respectively, shall deem to be of sufficient importance to require their joint action, and to hear and decide by a majority vote any matter concerning which any person affected by the decision of either the supervisor of industrial insurance or the supervisor of safety shall, by request in writing, ask for a joint decision: *Provided, however*, That nothing herein contained shall be construed as depriving any person feeling himself aggrieved by any decision of either the director of labor and industries, the supervisor of industrial insurance, the supervisor of safety, or by any joint decision of the right of appeal therefrom to a court of competent jurisdiction in the manner provided by law.

SEC. 80. *Division of safety.*—The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of safety:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the State safety board, except the appointment of the State mining board;

(2) To exercise all the powers and perform all the duties in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores, and buildings, and the machinery and apparatus therein contained, and steam vessels and other vessels operated by machinery, and in relation to the administration and enforcement of all laws providing for the protection of employees in mills, factories, workshops, and other places where machinery is used, and in relation to the enforcement, inspection, and certification of safe places and safety device standards in all industries, now vested in, and required to be performed by, the commissioner of labor;

(3) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the State mine inspector and deputy mine inspectors;

(4) To exercise all the powers and perform all the duties in relation to the inspection of tracks, bridges, structures, machinery, equipment, and ap-

paratus of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of railroads, street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, now vested in, and required to be performed by, the public service commission;

(5) To exercise all the powers and perform all the duties in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof, now vested in, and required to be performed by, the public service commission;

(6) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the inspector of hotels;

(7) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the bureau of labor;

(8) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 81. *Industrial relations.*—The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) *Statistics.*—To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the State, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States Department of Labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the State government having need of industrial statistics;

(5) To, with the assistance of the supervisor of women in industry, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of women and minors;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

SEC. 82. *Industrial welfare.*—The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the industrial statistician, and the supervisor of women in industry shall constitute a committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall have the power, and it shall be its duty:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the industrial welfare commission.

ACTS OF 1923

CHAPTER 110.—*Sale of stock to employees of public service companies*

SECTION 1. *Sale authorized.*—[Public service companies may sell stock to their employees without offering the same to existing stockholders, if approved by the holders of a majority of the stock at a regular meeting, prices and terms being fixed by the resolution authorizing sale, or by the trustees if so authorized.]

WEST VIRGINIA

CODE—1913—SUPPLEMENT—1918

Protection of employees as voters

SECTION 160. *Attempting to influence vote.*—* * *; and any corporation which shall, by its officers, agents, or otherwise, prevent or attempt to prevent any voter in its employ from attending any election, or from freely exercising his right of suffrage at any election at which he is entitled to vote, by any threat direct or indirect, express or implied, to discharge, or deprive such voter from his employment, or shall discharge or deprive such voter from its employment because of any vote he may cast, or refuse to cast, at any election at which he is entitled to vote, it shall be guilty of a misdemeanor, and shall upon conviction be fined not less than five thousand dollars nor more than twenty thousand dollars for every such offense, at the discretion of the jury.

SECTION 1881. *Threats, etc., forbidden.*—The following persons shall be deemed guilty of corrupt practices, and upon conviction shall be punished in accordance with the provisions of this act:

* * * * * * *

(d) Any person who, being an employer, or acting for or on behalf of any employer, shall give any notice or information to his employees, containing any threat, either express or implied, intended or calculated to influence the political view or actions of his workmen or employees.

Bureau of labor

SECTION 460. *Bureau created.*—There hereby is created a State bureau of labor, to be under the control and management of a commissioner to be known as the State commissioner of labor, who is to be appointed as hereinafter provided.

SEC. 465a. *Commissioner.*—The governor shall, with the advice and consent of the senate, appoint a competent person, who is identified with the labor interests of the State, to be State commissioner of labor, who shall hold his office for a term of four years and until his successor is appointed and qualified. In case of a vacancy in the office of the commissioner of labor, caused by death, resignation, removal, or otherwise, the governor shall appoint a commissioner of labor for the unexpired term in the manner above provided.

SEC. 465b. *Duties.*—It shall be the duty of the commissioner of labor to collect, compile and present to the governor an annual report, statistical details relating to all departments of labor and the industrial interests of the State, especially in relation to the financial, social, educational and sanitary condition of the laboring classes, and all statistical information that may tend to increase the prosperity of the productive industries of the State. He shall, once at least in every year, visit and inspect the principal factories and workshops of the State; and shall, upon complaint and request of any three or more reputable citizens, visit and inspect any place where labor is employed and make true report of the result of his inspection.

SEC. 465c. *Entering work places.*—The commissioner of labor shall have power, in the discharge of his duties, to enter and inspect any public institution of the State and any factory, workshop or other place where labor is employed. He may furnish a written or printed list of interrogatories asking information essential to a proper discharge of his duties, to any person, company or corporation employing labor, and require full and complete answers thereto. And if any person, or the officers of any company or corporation shall neglect or refuse to answer, within a reasonable time, any proper question propounded to him by the commissioner of labor, or if any person or the officers of any company or corporation to whom a list of interrogatories has been furnished, shall neglect or refuse to fully and truthfully answer and return the same, such person or such officer of such company or corporation shall be deemed guilty of a misdemeanor.

SEC. 465d. *Violations.*—The commissioner of labor shall report to the prosecuting attorney of the proper county all such violations of this act; whereupon said prosecuting attorney shall proceed against the guilty persons thereof, as in any other cases of misdemeanor; and any person, or any officer, or any company or corporation, convicted in such proceedings shall be fined not less than ten dollars, nor more than fifty dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or shall be both fined and imprisoned within the above limits.

SEC. 465e. *Duty of officers.*—All State, county, district and city officers shall furnish the commissioner of labor, upon request, all statistical information relating to labor which may be in their possession as such officers. The commissioner of labor shall report to the governor, on or before the first day of December in each year, all the statistics he has collected and compiled, with such suggestions as he may deem advisable as to legislation tending to promote and increase the prosperity of the industrial establishments of the State, and to protect the lives and health and to promote the prosperity of the persons employed therein.

SEC. 465f (as amended 1923, ch. 48). *Safety; accident reports; inspectors.*—All rooms, buildings, and places in this State where labor is employed or shall hereafter be employed in any factories, mercantile establishments, mills, or workshops shall be so constructed, equipped, and arranged, operated, and conducted in all respects as to provide reasonable and adequate protection for the life, health, safety, and morals of all persons employed therein. Where accidents occur in any factories, mercantile establishments, mills, or workshops causing employees, from the nature of the accident, to be away from his or her duties for a period of ten consecutive days a report shall be made to the bureau of labor of said accident on blanks to be furnished by the commissioner of labor. If death occurs, report shall be made within ten days thereafter. For the carrying into effect of these provisions and the provisions of all the laws of this State the enforcement of which is now or shall hereafter be intrusted to or imposed upon the bureau of labor, the commissioner of labor shall appoint six factory inspectors. The commissioner of labor may at any time divide the State into inspection districts as to him may seem advisable and assign the inspectors to the several districts. The commissioner of labor shall appoint a chief clerk and such other clerks and stenographers as the good of the service requires and within the appropriation made by the legislature. The salary of the commissioner of labor provided for in this act shall be four thousand dollars per annum.

Free public employment offices

(As amended 1923, ch. 49)

SECTION 466. *Establishment.*—The commissioner of labor is hereby authorized to organize and establish in connection with the bureau of labor and in cooperation with the United States Employment Service of the United States Department of Labor a free employment bureau for the purpose of receiving applications from persons seeking employment and application from persons seeking to employ labor.

SEC. 467. *Service.*—No compensation or fee shall be charged or received directly or indirectly from persons applying for work, information, or help through said department. The commissioner of labor is hereby authorized to employ such assistance and incur such expense as may be necessary to carry into effect the purpose of this act. But such assistance and expense shall not exceed twenty-five hundred dollars per annum.

Mine regulations

SECTION 495–1 (as amended 1919, ch. 32). *Department of mines.*—[A department of mines, with a chief at its head, is charged with the execution and enforcement of the mine inspection laws of the State.]

SEC. 495–2 (as amended 1919, ch. 32). *Chief.*—[The chief of the department of mines is appointed by the governor for a term of 4 years.]

SEC. 495–3. *Bond.*—[An oath of office and a bond in the sum of $2,000 are required.]

SEC. 495–4 (as amended 1919, ch. 32). *Qualifications.*—[The chief must have had at least 8 years' practical experience and have a practical and scientific

knowledge of dangerous gases. His salary is $5,000 per annum and traveling expenses.]

Secs. 495–5, 495–6. *Inspection; reports.*—[Inspections may be made by the chief or district inspectors, of which permanent, open records shall be made. Annual reports are to be made to the governor as to the number of inspections, products, employees, number of mines and coke ovens, legislation needed, etc. Such reports are to be printed.]

Sec. 495–7 (as amended 1921, ch. 118). *Districts.*—[The State is to be divided into 22 districts, one inspector to be appointed for each district by the chief of the department for terms of 4 years.]

Sec. 495–8. *Violations.*—[A penalty of $25 to $200 is incurred by any chief of the department violating the provisions of the law.]

Sec. 495–9 (as amended 1919, ch. 32). *Inspectors.*—[Inspectors must be citizens of the State, with a practical knowledge of mining, ventilation, and drainage, and at least 6 years' experience. They may be removed for incompetency, neglect of duty, or other good cause. Salaries are $3,000 per annum and traveling expenses.]

Secs. 495–10 to 495–14. *Bond; duties; reports.*—[District inspectors make oath and give bond the same as the chief. They make weekly reports to the chief of all inspections made by them, showing the condition of each mine; a copy is also furnished the operator, to be posted where the employees can conveniently read it. Quarterly inspections must be made, or oftener if 10 workmen make request in writing, or the owner or operator makes request. Conditions of safety are to be examined, and if men are found working in advance of the air currents, they are to be ordered to cease.

Annual reports are to be made to the chief of the department, stating number of mines, compliance with law, needed legislation, etc. Failure of inspectors to comply with the law entails a penalty of from $100 to $500, and dismissal from office.]

Secs. 495–15 to 495–22, 495–23 (as amended 1919, ch. 119), 495–24 (as amended 1919, ch. 119), 495–25 to 495–31. *Safety regulations.*—[Maps are to be furnished the inspector of the district, and a copy kept by the operator, with semiannual corrections. If the same is not furnished by the operator it may be made at his expense. Products or compounds of petroleum, alcohol, etc., that would contaminate the air may not be used as fuel. Ventilation is regulated, dust prevention required, speaking tubes, signal systems, ways around shafts, and safety cages are to be provided, employees are to be checked in and out, competent hoisting engineers or drum runners employed, and first aid provisions supplied.

Operators are to furnish inspectors proper facilities for making inspections, and mines found unsafe may be reported to the chief of the department, who may, on examination, order the mine closed until made safe. Unused workings must be protected so as to avoid dangers of gas, and only locked safety lamps or approved safety lamps may be used in dangerous gaseous mines. Ventilation of such mines must be adequate, and the use of mechanically operated fans is prescribed.

New or additional openings must be approved, and all work places have at least two outlets, with exceptions as to repair work, robbing pillars, etc., where not over 20 persons are employed.]

Secs. 495–34 to 495–39. *Duties of operators.*—[Operators must make such annual reports as the chief of the department may require; transfer of ownership must be reported within 30 days. No work may be done contrary to the inspector's written instructions, and the inspector is authorized to direct how solid shooting may be done, and also to regulate the use of locomotives in mines where coal is being actually extracted.

Operators must adopt rules for the working of their mines and post the same in the languages used by the workmen therein. Failure to furnish supplies necessary to carry out the provisions of the act is a misdemeanor.]

Secs. 495–40, 495–41. *Acts forbidden.*—[Injuring shafts, brattices, lamps, etc., carrying matches or open lights into forbidden areas, disobeying orders, etc., are forbidden. Employees may be searched for intoxicants, matches, or pipes in mines where only electric or safety lamps are to be used.]

Sec. 495–42. *Interfering with employment.*—Nor shall any person or persons, or combination of persons, by force, threats, menaces, or intimidation of any kind, prevent or attempt to prevent from working in or about any mine any person or persons who have the lawful right to work in or about the same and

who desire so to work; but this provision shall not be so construed as to prevent any two or more persons from associating together under the name of knights of labor, or any other name they may desire, for any lawful purpose, or for using moral suasion or lawful argument to induce any one not to work in and about any mine. Any person or persons who shall violate the provisions of this section shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.

SEC. 495–43. *Accidents.*—[Accidents causing loss of life or serious personal injury must be promptly reported to the chief and the inspector, and an investigation may be made, if deemed necessary, and suggestions made for future safety.]

SECS. 495–44 to 495–83. *Provisions for safety, etc.*—[The location and construction of stables are regulated, also of magazines for explosives and of power houses; methods of electric installations prescribed, the use of coal cutting machines, inspections for gas, duties of machine runners, and the qualifications and duties of fire bosses, mine foremen, and assistant foremen prescribed and regulated. Mine foremen must be employed at all mines, and fire bosses at gaseous mines. Hoisting is regulated, and the driving of bore holes directed when approaching dangerous accumulations of water or gas. Shot firing and the storage of explosives, the supply of timbers, and the use and operation of locomotives and cars are also subject of legislation.]

SEC. 495–84. *Experiment station.*—[An experiment station at the State university is to make investigations for the purpose, among others, of better safeguarding the lives of the miners and determining the causes of accidents in mines.]

SECS. 495–85, 495–86. *Definitions; scope.*—[The terms used are given their ordinary definitions, the term "approved lamp" meaning one approved by the department of mines. The act applies only to mines in which 5 or more persons are employed in 24 hours; mine foremen are not required unless 10 men are employed.]

SECS. 495–88 to 495–90. *Rescue car.*—[The purchase and equipment of a rescue car is authorized, subject to the approval of the State board of control. The chief of the department is to prescribe regulations for the equipment and use of the car, and the training of rescue crews; a qualified director of rescue work is to be appointed, at a salary of $2,400, for the same term as an inspector.]

Regulation of sand mines, quarries, etc.

SECTION 495–91. *Inspector; regulations to apply.*—[A separate inspector is to be appointed by the chief of the department of mines, of practical experience in sand and clay mines and pits, crushers and quarries, and the use of explosives in sand mining and quarrying operations are regulated. Applicable provisions of the coal-mining laws for the safety of employees are extended to such operations, and necessary rules are to be made by the chief of the department for the safe and sanitary operation of sand and clay mines and pits, quarries and cement works.]

Mine regulations—Inspection, etc., of oil

SECTION 496. *Illuminating oil.*—Only animal, vegetable, or paraffin oil or other oil as free from the evolution of smoke as a standard cottonseed oil, when burned in a miner's torch, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State, and kerosene and blackstrap oil, or a mixture of kerosene and blackstrap, shall not be used in miners' torches for illuminating purposes in any coal mine in this State; except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used upon machinery used as a motive power to haul coal in any mine in this State, and except, further, that a mixture of mineral and vegetable oil can be used for all stationary lights.

SECS. 497–505. *Tests, etc.*—[Methods and standards of tests are prescribed, the marking of oil for use in mines required, and penalties prescribed for violations.]

Payment of wages—Weighing coal, etc.

SECTION 514. *Checkweighman.*—When the amount of wages paid to any of the persons employed in any manufacturing, mining, or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure,

the persons so employed may, at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a checkweighman or measurer, who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is appointed to act as such checkweighman or measurer.

Sec. 515. *Mode of payment.*—Every corporation, company, or person engaged in the business of mining coal in this State, where such checkweighman is employed by the miners working at such mines, shall furnish such checkweighman with a check or number and pay the said checkweighman for all coal placed to his check or number same per ton as is paid to the miners. Each of the persons so employed to see the weighing of said coal before entering upon the discharge of the duties of his employment shall take and subscribe an oath before a justice of the peace or a notary public, that he will honestly and impartially do and perform the duties of his employment and do equal and exact justice between employers and employees to the best of his judgment, skill and ability.

Sec. 516. *Application of law.*—This act shall apply to all weights, balances, steelyards, and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns, for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

Sec. 517. *Checkweighman not necessary, when.*—Where the weighman is mutually selected by the consent of a majority of the miners working in any mine and the operator or agent of said company, it shall not be considered necessary to employ said checkweighman, but at any time that either of the parties to said agreement should become dissatisfied with said weighman they may dismiss him on ten days' notice or the miners may employ a checkweighman. Any corporation, company, or person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each and every offense not less than ten nor more than two hundred dollars.

It shall be the duty of every court in each county, in which any such coal mine is operated and in which a grand jury is impaneled, to give this act in charge to the grand jury.

Factory, etc., regulations

(As amended 1919, ch. 30)

Section 518. *Guards for dangerous machines and places; repairing moving machinery.*—All power-driven machinery, including all saws, planers, wood shapers, jointers, sandpaper machines, iron mangles, emery wheels, ovens, furnaces, forges, and rollers of metal; all projecting set screws or moving parts; all drums, cogs, gearing, belting, shafting, fly wheels, and flying shuttles; all laundry machinery, mill gearing, and machinery of every description; all vats or pans and all receptacles containing molten metal or hot or corrosive fluids in any factory, mercantile establishment, mill or workshop, shall be so located, whenever possible, as not to be dangerous to employees, or where possible, be properly inclosed, fenced, or otherwise protected. All dangerous places, in or about mercantile establishments, factories, mills, or workshops, near to which any employee is obliged to pass or to be employed, shall, where practicable, be properly inclosed, fenced, or otherwise guarded. No machine in any factory, mercantile establishment, mill or workshop, shall be used when the same is known to be dangerously defective, and no repairs shall be made to the active mechanism or operative part of any machine, when the machine is in motion.

Sec. 519. *Removing guards.*—No person shall remove or make ineffective any safeguard required by this act, during the active use or operation of the guarded machine or device, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. In every factory, mercantile establishment, mill, or workshop, effective means shall be provided for immediately disconnecting the power, so that in case of need or accident, any particular machine, group of machines, room, or department can be properly and effectively shut down. Where machines require to be started and stopped frequently, they shall, wherever practicable, be provided with tight and loose pulleys, clutch, or other effective disengaging device. When provided with tight and loose pulleys, the shifting of the belt shall be accomplished by the use of a belt shifter, placed within easy reach of the operator.

When a clutch or other disengaging device is used, an effective means for throwing such device into or out of engagement shall be provided, and shall be placed within easy reach of the operator. Where machines are directly connected with the prime mover (electric motor, steam, gas or gasoline engine, or other source of power), a switch, throttle, or other power-controlling device shall be furnished and shall be placed within easy reach of the operator or his coworker. Where machines are arranged in groups, rooms, or departments, and power is supplied by a prime mover, located within the confines of such group, room, or department, a switch, throttle, or other controlling device shall be furnished, and shall be placed within easy reach of the operators affected, so that all shafting, transmitting machinery and machines of such group, room, or department can be simultaneously shut down. Where machines are arranged in groups, rooms, or departments and are supplied by power through the use of main or line shafts, receiving power from some prime mover, located without the group, room, or department, the power-receiving wheel or such main or line shaft, shall, wherever possible, be provided with a friction clutch, or other effective power-disengaging device, with suitable means for operating the clutch, or power-disengaging device, and these means shall be placed within the confines of such group, room, or department, and within easy reach of employees or operatives affected, so that all machines, shafting, and other transmission machinery within such group, room, or department can be simultaneously shut down. In addition to such safeguard, communication consisting of speaking tubes, electric bells, electric colored lights, or other approved and effective means shall be provided in all cases covered by this paragraph between each such group, room, or department, and the room in which the engineer, or prime mover, is located, so that in case of need or accident the motive power of such group, room, or department can be promptly stopped or controlled.

SEC. 520. *Hoistways, etc.*—All hoistways, hatchways, elevator wells, and wheel holes in factories, mercantile establishments, mills, or workshops, shall be securely fenced, inclosed, or otherwise safely protected, and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, in order that the said hatchways, elevators, or hoisting apparatus may be used. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some device whereby the car or cab may be held in the event of accident to the shipper rope or hoisting machinery or controlling apparatus. If any elevator, machine, electrical apparatus, or system of wiring, or any part or parts thereof in any factory, mercantile establishment, mill, or workshop are in an unsafe condition, or are not properly guarded, where reasonable to guard the same, the owner or lessee, or his agent, superintendent, or other person in charge thereof shall, upon notice from the commissioner of labor or factory inspector, remedy such unsafe condition within a reasonable time after receiving such notice.

SEC. 521. *Food in certain work places.*—No employee shall take or be allowed to take food into any room or apartment in any factory, mercantile establishment, mill, or workshop where white lead, arsenic, or other poisonous substances or injurious or noxious fumes, dusts, or gases under harmful conditions are present as the result of the business conducted by such factories, mercantile establishments, mills or workshops, and notice to this effect shall be posted in each room or apartment. Employees shall not remain in any such room or apartment during the time allowed for meals, and suitable provisions shall be made and maintained by the employer, when practicable, for enabling the employees to take their meals elsewhere in such establishment.

SEC. 522. *Seats for females.*—Every person, firm, or corporation employing females in any factory, mercantile establishment, mill, or workshop in this State shall provide a reasonable number of suitable seats for the use of such female employees, and shall permit the use of such seats by them when they are not necessarily engaged in active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employees, and where practicable such seats shall be made a permanent fixture and may be so constructed or adjusted that when seats are not in use they will not obstruct such female employee when engaged in the performance of her duties.

SEC. 523. *Fire escapes.*—In all factories, mercantile establishments, mills, or workshops sufficient and reasonable means of escape in case of fire shall be provided, and such means of escape shall at all times be kept free from any obstruction and shall be kept in good repair and ready for use and shall

be plainly marked as such. The commissioner of labor or factory inspector may order fire escapes erected on the outside of buildings used as factories, mercantile establishments, mills, or workshops which are two or more stories in height whenever deemed by commissioner of labor or factory inspector to be necessary.

SEC. 524. *Stairways.*—In all factories, mercantile establishments, mills, or workshops, proper and substantial hand rails shall be provided on all stairways, and the treads thereon shall be so constructed as to furnish a firm and safe foothold. A proper light shall be kept burning by the owner or lessee in all main passageways, main hallways, at all main stairs, main stair landings, and shafts, and in front of all passenger or freight elevators, upon the entrance floors, and upon other floors, on every workday of the year, from the time that the building is open for use until the time when it is closed, except at times when the influx of natural light shall make artificial light unnecessary. No floor space or any work room in any factory, mercantile establishment, mill, or workshop, shall be [so] overloaded with machinery or other material as thereby to cause serious risk to or endanger the life or limb of any employee, nor shall there be permitted in any such establishment, a load in excess of the safe sustaining power of the floors and walls thereof. Machines must not be placed so closely together as to be a serious menace to those that have to pass between them. Passageways must be of ample width, well lighted, and free from obstruction.

SEC. 525. *Toilets, etc.*—[Sufficient and suitable water-closets must be provided, separate for the sexes, properly lighted, ventilated, and cared for.]

SEC. 526. *Wash rooms.*—In all factories, mercantile establishments, mills, or workshops, adequate washing facilities shall be provided for the employees, where necessary. When the labor performed by the employees is of such a character as to make customary or necessary a change of clothing by the employees, there shall be provided sanitary and suitable dressing room or rooms, and both such dressing rooms and washing facilities shall be separately maintained for each sex.

SEC. 526-a. *Smoking; steam boilers.*—Every person who shall light a pipe, cigar, or cigarette in, or who shall enter with a lighted pipe, cigar, or cigarette, any factory, mercantile establishment, mill, or workshop in which is posted in a conspicuous place over and near each principal entrance a notice in plain English letters, stating that no smoking is allowed in such building, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars for each separate offense. The commissioner of labor or factory inspector shall have authority to inspect steam boilers in this State, and any person owning or operating steam boilers shall provide the same with steam gauge, safety valve and water gauge, and keep the same in good order. Any person neglecting so to do, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty nor more than one hundred dollars.

SEC. 526-c. *Payment of wages.*—Whenever any employer of labor shall hereafter discharge his or its employees without first paying them the amount of any wages or salary then due them in cash, lawful money of the United States, or its equivalent or by check or draft, within seventy-two hours after demand, or shall fail or refuse to pay them in like money, or its equivalent or by check or draft, the amount of any wages or salary at the time the same becomes due and owing to them under their contract of employment, whether employed by the hour, day, week, or month, each of his or its employees so discharged may charge and collect wages in the sum agreed upon in the contract of employment for each day his employer is in default, until he is paid in full, without rendering any service therefor: *Provided, however*, He shall cease to draw such wages or salary thirty days after such default. Every employee shall have such lien and all other rights and remedies for the protection and enforcement of such salary or wages as he would have been entitled to had he rendered service therefor in manner as last employed. This section shall not apply in case of bankruptcy, assignment, or other legal disability of the employer to pay for any wages so due and owing, or in case of shut down or other cessation of operations.

SEC. 526-d. *Violations.*—[Penalties for offenses under this act are fines of $10 to $50 for the first offense, and $25 to $200 for second and subsequent offenses. Coal mining operations are not included under this act.]

SEC. 526-e. *Records.*—The commissioner of labor, inspectors and chief clerk shall make and keep full and proper record of all their expenses, and of inspections and statistics as to conditions, changes and improvements made for the safety and welfare of employees affected by this act, and the commissioner of labor shall submit a proper report thereof to each biennial session of the legislature.

Protection of employees on street railways

SECTIONS 527–529. *Platforms to be inclosed.*—[Street railway cars the operation of which requires the constant presence of employees on their platforms must have such platforms suitably inclosed to protect the employees from exposure to the winds and the inclemencies of the weather. A fine of from $20 to $100 for each offense is fixed as penalty for failure to comply, each day being a separate offense.]

Payment of wages—Company stores

SECTION 534. *Application of law.*—All persons, firms, corporations or associations, in this State, engaged in mining coal, ore or other minerals, or mining and manufacturing them, or either of them, or manufacturing iron or steel, or both, or any other kind of manufacturing, shall pay their employees as provided in this act.

SEC. 535. *Biweekly pay day.*—All persons, firms, companies, corporations or associations, engaged in the business aforesaid, shall settle with their employees at least once in every two weeks unless otherwise provided by special agreement, and pay them the amount due them for their work or services in lawful money of the United States, or by the cash order as described and required in the next succeeding section of this act: *Provided*, That nothing herein contained shall affect the right of an employee to assign the whole or any part of his claim against his employer.

SEC. 538. *Refusal to pay wages.*—If any firm, company, corporation or association shall refuse for the space of twenty days to settle and pay any of their said employees at the intervals of time as provided in section two of this act, or shall neglect or refuse to redeem any cash orders herein provided for, within the time specified, if presented, and suit should be brought for the amount overdue and unpaid, judgment for the amount of said claim proven to be due and unpaid, with legal interest thereon until paid, shall be rendered in favor of the plaintiff in such action: *Provided, further*, That the cash order herein provided for, given for payment of labor, if the laborer continues to hold the same, in case of the insolvency of the company, or person, or firm, or corporation giving same, such laborer shall not lose his lien and preference under existing laws.

SEC. 539. *Payment in money.*—It shall be unlawful for any corporation, company, firm, or person, engaged in any trade or business, either directly or indirectly, to issue, sell, give, or deliver to any person employed by such corporation, company, firm, or person, in payment of wages due such laborer, or as advances for labor not due, any scrip, token, draft, check, or other evidence of indebtedness, payable or redeemable otherwise than in lawful money; and if any such scrip, token, draft, check, or other evidence of indebtedness, be so issued, sold, given, or delivered to such laborer it shall be construed, taken and held in all courts and places, to be a promise to pay the sum specified therein in lawful money by the corporation, company, firm, or person issuing selling, giving, or delivering the same to the person named therein, or to the holder thereof. And the corporation, company, firm, or person so issuing, selling, giving, or delivering the same shall, moreover, be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than one hundred dollars, and at the discretion of the court, the officer or agent of the corporation, company, or firm, or the person issuing, selling, giving, or delivering the same, may be imprisoned not less than ten nor more than thirty days.

SEC. 540. *Restriction in trading.*—If any corporation, company, firm, or person shall coerce or compel, or attempt to coerce or compel an employee in its, their, or his employment, to purchase goods or supplies in payment of wages due him, or to become due him, or otherwise, from any corporation, company, firm, or person, such first-named corporation, company, firm, or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as

provided in the preceding section. And if any such corporation, company, firm, or person shall directly or indirectly sell to any such employee in payment of wages due or to become due him, or otherwise, goods or supplies at prices higher than the reasonable or current market value thereof at cash, such corporation, company, firm, or person shall be liable to such employee, in a civil action, in double the amount of the charges made and paid for such goods or supplies in excess of the reasonable or correct value in cash thereof.

This act is constitutional. 36 W. Va. 802.

Miners' hospitals

SECTIONS 542–548. *Establishment, admission, etc.*—[Three hospitals, to be known as miners' hospitals, located in various sections of the State, and under separate boards, are provided for. Admission is in accordance with rules formulated by the boards, treatment to be free to persons accidentally injured in the State while engaged in their usual employment or occupation. Appropriations are made, and donations may be received.]

Railroads—Safety provisions

SECTION 639 (as mended 1921, ch. 150). *Safety appliances, etc.*—Every person, firm, or corporation engaged in a public-service business in this State shall establish and maintain adequate and suitable facilities, safety appliances, or other suitable devices, and shall perform such service in respect thereto as shall be reasonable, safe, and sufficient for the security and convenience of the public and the safety and comfort of its employees, * * *. [the public service commission] may prescribe the number of men required to constitute safe crews for the handling of trains on any steam railroad in this State or any division of any such railroad. * * *

Hours of labor on public works

SECTION 713. *Eight hours a day's labor.*—Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the State of West Virginia.

SEC. 714. *Unlawful to require longer service.*—The service and employment of all laborers and mechanics who are now or may hereafter be employed by or on behalf of the State of West Virginia or by any contractor or subcontractor upon any of the public works of the State of West Virginia is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the West Virginia State government or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the service of such laborers or mechanics to require or permit any such laborers or mechanics to work more than eight hours in any calendar day, except in case of extraordinary emergency.

SEC. 715. *Violations.*—[Intentional violation of this act is punishable by a fine not exceeding $1,000, or imprisonment not more than 6 months, or both.]

CHAPTER 76.—*Fire escapes on factories, etc.*

SECTION 716. *What buildings to have fire escapes.*—Every building or structure in this State of three or more stories in height, used as a factory or workshop, and in which ten or more persons are employed above the first story, or any hotel three or more stories in height, or any other building of more than three stories in height occupied or used as a tenement house, shall be provided with one or more suitable and substantial metallic fire escapes or ladders, reaching from the top of the first story to the cornice, and placed on the outside of the building. At each story above the first there shall be one or more metallic balconies substantially attached to the building and to the fire escape. Such fire escapes and balconies shall be in number, size, capacity, design, and location as shall be necessary to furnish reasonable means of escape to all persons employed in the building in case of fire.

SECS. 718, 719. *Enforcement.*—[It is the duty of the local authorities to make annual inspections of the buildings described in the above section. Owners failing to comply may be fined not less than $100 nor more than $200 for each offense, each week of failure counting as a separate offense.]

Private employment offices

SEC. 1114. *License required.*—No person without a State license therefor shall—

* * * * * * *

(3) Carry on the business of a labor agency.

* * * * * * *

SEC. 1240 (as amended 1923, ch. 36). *License tax.*— * * * On every license to conduct a business of a labor agency, two hundred and fifty dollars; any person or corporation who hires or contracts with laborers, male or female, to be employed outside the State of West Virginia, either by said person or corporation or some other person or persons, corporation or corporations, and to be transported out of the State for employment in another State, shall be deemed a labor agency within the meaning of this clause. Any municipality within the State, including the city of Wheeling, shall be and is hereby empowered to impose a similar tax on any such labor agency, to limit the number of labor agencies to operate in said municipalities (but in no event shall the number of said labor agencies be restricted to fewer than three in any city, town, or village), and, at its option, to include within its definition of a labor agency any person or corporation who hires or contracts with laborers, male or female, to be employed by persons outside of said municipality, whether such person be the same person or corporation hiring or contracting or other person or persons, corporation or corporations.

Any person or corporation carrying on the business of a labor agency as defined in this act without first fully complying with all the provisions thereof shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than thirty days or more than six months, or both, at the discretion of the court. For the purpose of the penal section of this act, any individual acting on behalf of a corporation carrying on the business of a labor agency, as herein defined, when said corporation has not complied with the terms of this act, shall likewise be deemed guilty of a misdemeanor and subject to the same penalties as hereinabove set forth.

Exemption of wages—Unlawful assignment of claims

SECTION 1965. *Assigning claims for collection outside of State.*—It shall be unlawful for any person to institute, or permit to be instituted, proceedings in his own name, or in the name of any other person, or to assign or transfer, either for or without value, any claim for debt or liability of any kind held by him against a resident of this State for the purpose of having payment of the same, or any part thereof, enforced out of the wages that may be exempted by * * * the Code of West Virginia by proceedings in attachment or garnishment, in courts, or before justices of the peace, in any other State than in the State of West Virginia; or to send out of this State by assignment, transfer, or in any other manner whatsoever, either for or without value, any claim or debt against any resident thereof, for the purpose or with the intent of depriving such person of the right to have his wages exempt from distress levy or garnishment according to the provisions * * * of the Code of West Virginia.

Payment of wages—Semimonthly pay day—Railroads

SECTION 3024f. *Pay days established.*—Every railroad company authorized to do business by the laws of the State of West Virginia, shall, on or before the first day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month, ending with the fifteenth day thereof; and on or before the fifteenth day of each month, pay the employees thereof the wages earned by them during the last half of the preceding calendar month: *Provided, however*, That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and at the place when the next pay is due and the

proper mailing in the United States post office of such payment in time to reach the usual post office of the employee by the time aforesaid in the usual course of the mails, shall be in compliance with this act. Any such railroad company which shall violate any of the provisions of this act shall forfeit and pay the sum of twenty-five dollars for each violation of this act, which shall be proved to be recoverable in any court having jurisdiction, by suit, in the name of the State, to be instituted by the prosecuting attorney, upon complaint of the party injured by such violation, and in the county of his residence, and all penalties so recovered shall be paid into the general school fund of the State: *And provided*, That suit must be commenced within sixty days from the date such wages became payable according to the tenor of this act.

Sec. 3024g. *Agreements forbidden.*—It shall not be lawful for any railroad company to enter into or make any agreement with any employee for the payment of wages of any such employee otherwise than as provided in section 3024f of this act; except it be to pay such wages at shorter intervals than herein provided. Every agreement made in violation of this act shall be deemed to be null and void, and it shall not be a defense to the suit for the penalty provided for in section 3024f of this act; and each and every employee with whom any agreement in violation of this act shall be made by such railroad company shall have his or her action and right of action against such railroad company for the full amount of his or her wages in any court of competent jurisdiction of this State: *Provided*, That nothing in this act shall be so construed as to interfere with the right to withhold from the wages of the employees all assessments becoming due to any relief department, hospital association, savings department, or any other department or association maintained by any such railroad company or its employees.

Railroads—Employee's bonds

Section 3192a. *Refusing or canceling bonds.*—[Where common carriers require employees to be bonded, and any company applied to refuses to furnish surety, or having furnished surety, cancels the same, it must on request of the employee state in writing the reasons therefor; and if the employer has no other reason for refusing employment than the refusal of the surety company to give or continue the surety, then the employer shall, on request of the employee, accept a bond by any other solvent company. The surety company need not disclose the source of its information, nor is it liable for slander or libel by reason of its statements.]

Employment of children in certain occupations forbidden

Section 5177. *Mendicant, etc., occupations.*—[The employment of children under 18 on streets or highways in singing, playing musical instruments, begging, etc., is forbidden.]

State department of health—Sanitation of factories, etc.

Sections 5342a–5342g. *Inspection, etc.*—[The commissioner of health, as head of the State department of health, and inspectors appointed by him are to report on sanitary conditions in factories, workshops, labor camps, etc., and may enter any place of employment in the discharge of their official duties. Plumbing, drainage, ventilation, and the sanitary provisions generally of workshops, mines, labor camps, etc., as affecting the health of employees and of the public are subject to supervision and regulation by the public health council; and as to mines, in cooperation with the chief of the department of mines.]

ACTS OF 1919

Chapter 2.—*Employment of children—School attendance*

Sections 122, 126. *Attendance required.*—[Children 7 to 14 years of age must attend school the entire term of the district school, except, among other causes, by reason of the extreme destitution of the parents or others in charge. Employers employing children required to attend school may be punished by a fine of from $25 to $50, or imprisonment 5 to 30 days.]

SEC. 128. *Children under 16.*—[Children 14 to 16 years of age not regularly employed at least six hours per day, or not properly excused for profitable employment at home, must attend school unless they have completed the eighth grade and there is no advanced school within two miles of home.]

CHAPTER 17.—*Employment of children—General provisions*

SECTION 1. *Age limit.*—[No child under 14 years of age may be employed or permitted to work at any gainful occupation except agriculture or domestic service; but boys 12 or over may be employed in mercantile offices and business establishments outside of school hours if a permit has been secured.]

SEC. 2. *Dangerous occupations.*—[Children under 16 may not be employed at any dangerous or injurious occupation. The State commissioners of health and of labor and the State superintendent of schools may, after hearing, declare any trade or process dangerous. Work in mines, quarries, tunnels and excavations is forbidden, as well as at acrobatic, gymnastic and like occupations.]

SECS. 3–5. *Certificates.*—[Permits are required for the employment of children 14 to 16 years of age, to be issued by the school authorities on proof of prospective employment, age, schooling through the sixth grade, and physical fitness.

Permits for employment outside of school hours in business offices and mercantile establishments may be issued to boys 12 years of age, and vacation permits issued to children 14 years of age without a certificate of schooling. Certificates issue to the employer on his request, and are evidence of age; but an enforcement officer may call for proof of age of any child apparently under 16 for whom no certificate is held.]

SEC. 6. *Work time.*—[Children under 16 may not be employed in any gainful occupation other than agriculture or domestic service more than 8 hours per day or six days or 48 hours per week, nor between 7 p. m. and 6 a. m. A schedule of work time must be posted in every room where children are employed.]

SEC. 7. *Enforcement.*—[Labor officials, truancy officers, agents of the humane society, and, as to employment in mines, the department of mines are charged with the duty of enforcing this act.]

SEC. 8. *Violations.*—[A first offense is punishable by a fine of from $20 to $50, a second by a fine of not less than $50 or more than $200 or imprisonment not more than 30 days, or both, and subsequent offenses by a fine of not less than $200 or imprisonment not over 60 days, or both.]

ACTS OF 1919—EXTRAORDINARY SESSION

CHAPTER 12.—*Department of public safety—Promotion of industrial peace*

SECTION 29. *Duty of superintendent.*—The superintendent of the department of public safety is authorized * * * to employ all agencies in his power to secure a harmonious feeling and understanding between the employers of labor and their employees; * * *

ACTS OF 1921

CHAPTER 56.—*Protection of employees as voters*

SECTION 2. *Threats, etc.*—* * * If any employer of laborers or any agent of such employer threatens to withhold the wages of or to dismiss from any service any laborer in his employment; or refuses to allow such employee time to attend the place of election and vote, shall be guilty of a misdemeanor and may be fined not more than two hundred dollars nor less than twenty-five dollars or confined in the county jail not more than three months.

CHAPTER 145.—*Employment of children—Inmates of industrial homes*

SECTION 1. *Permits required.*—[Boys and girls in the State industrial homes may not be employed in factories or workshops outside of those institutions without compliance with the child labor law of the State.]

ACTS OF 1923

CHAPTER 33.—*Labor organizations—Sale of real estate*

Organizations.—[This act adds section 12 to chapter 57 of the code. This chapter relates to religious and other organizations, section 9 prescribing the mode of the sale of lands by trustees by petition and order of court. Section 12 makes these provisions applicable to the sale of real estate held by any labor organization or similar association of craftsmen or employees or branch thereof, but this does not give it or them the status of a corporation.]

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STATUTES—1923

Protection of employees as voters

SECTION 12.19. *Threats.*—No person being an employer or acting for or in behalf of any employer shall give, distribute, or cause to be given or distributed to any of his employees, any printed or written matter containing any threat, notice, or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employees be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employees.

Employment of children—School attendance

SEC. 40.73. (1) *Attendance required.*—[Children under 14, and children 14 to 16 years of age not regularly and lawfully employed in some useful employment or service at home or elsewhere, must attend school during the full period of the public-school term unless they have completed 8 grades of school or are excused for reasons stated.]

(3) *Vocational schools.*—Until September 1, 1921, any person between the ages of fourteen and seventeen, unless indentured as an apprentice, as provided in section 2377 [106.01], and after that date any person who has completed the period of compulsory full-time education and who has not completed the equivalent of four years of school work above the elementary grades, or who has not completed the school term, quarter, semester, or other division of the school year in which he is eighteen years of age, living within two miles of the school of any town, or within the corporate limits of any city or village and not physically incapacitated, who is not required by subsection (1) to attend some public, private, or parochial school, and who is not attending a free high school or equivalent of a high school, must either attend some public, private, or parochial school at least half time, or attend the vocational school half time in the daytime from the end of the period of full-time compulsory education to the end of the school term, quarter, semester, or other division of the school year in which he is sixteen years of age, and after that for at least eight hours a week until the end of the term, quarter, semester, or other division of the school year in which he is eighteen years of age for at least eight hours a week for at least eight months and for such additional months or parts thereof as the other public schools in such city, town, or village are in session in excess of eight during the regular school year, or the equivalent as may be determined by the local board of industrial education, provided such school or schools are maintained according to the provisions of sections 41.13 to 41.20, in the town, village, or city in which his parents or guardians reside. This subsection shall apply only to persons between the ages herein specified, living in towns, villages, and cities maintaining schools as provided in sections 41.13 to 41.20, providing for the establishment of vocational schools.

SEC. 40.74. *Enforcement.*—[Truant officers may enter any place of employment to ascertain whether minors are employed therein contrary to law. They may require the production of age and school certificates and lists, and must report all cases of illegal employment to the school authorities.]

Unemployment—Public works, etc.

SECTION 46.23. *Board of control; unemployment.*—It shall be the duty of the board of control to ascertain from the various departments and State institutions tentative plans for such extension of public works of the State as shall be best adapted to supply increased opportunities for advantageous public labor

during periods of temporary unemployment; together with estimates of the amount, character, and duration of such employment and the number of employees that could profitably be used therein, together with rates of wages and such other information as the board of control may deem necessary.

SEC. 46.24. *Industrial commission.*—It shall be the duty of the industrial commission, in cooperation with the immigration commissioner, to keep constantly advised of industrial conditions throughout the State as affecting the employment of labor; and whenever it shall be represented to the said industrial commission by the governor of the State or the said industrial commission shall otherwise have reason to believe that a period of extraordinary unemployment caused by industrial depression exists in the State it shall be the duty of the said industrial commission immediately to hold inquiry into the facts relating thereto and to find and report to the governor whether in fact such condition does exist.

SEC. 46.25. *Expenditures to relieve depression.*—In the event that the industrial commission shall report to the governor a condition of extraordinary unemployment caused by industrial depression does in fact exist in the State, the State board of control is hereby authorized to make such disposition of all funds to be used for said purposes among the several institutions and departments for such extension of the public works of the State under the charge or direction thereof, including the purchase of materials and supplies necessary therefor, as shall, in the judgment and discretion of the State board of control, be best adapted to advance the public interest by providing the maximum of public employment in relief for the existing conditions of extraordinary unemployment consistent with the most useful, permanent, and economic extension of the works aforesaid.

SEC. 46.26. *Depression; labor lists.*—It shall be the duty of the industrial commission immediately upon publication of a finding that a period of extraordinary unemployment due to industrial depression exists throughout the State, to cause to be prepared by the various institutions and departments approved lists of applicants for public employment and to secure from such applicants full information as to their industrial qualifications and to submit the same to the board of control. Preference for employments under the provisions of sections 46.23 to 46.26, inclusive, shall be extended first to citizens of this State, second to citizens of the United States at the time of making application; and last to aliens who are residents of this State at the time of making such application.

Occupational diseases—Reports

SECTION 69.49. *Industrial diseases.*—(1) Every medical practitioner in this State attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, or mercury, or their compounds, or from compressed-air illness, contracted as a result of the nature of the patient's employment, shall send to the secretary of the State board of health and bureau of vital statistics a notice, stating the name and full postal address and place of employment of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering.

(2) If any medical practitioner fails to comply with the provisions of this section, he shall be liable to a fine not exceeding ten dollars.

(3) It shall be the duty of the industrial commission to enforce the provisions of this section, and he may call upon the State and local boards of health for assistance.

Industrial commission—Factory, etc., regulations

SECTION 101.01. *Definitions.*—The following terms as used in sections 101.01 to 101.29 of the statutes shall be construed as follows:

(1) The phrase "place of employment" shall mean and include every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is directly or indirectly employed by another for direct or indirect gain or profit, but shall not include any place where persons are employed in private domestic service or agricultural pursuits which do not involve the use of mechanical power.

(2) The term "employment" shall mean and include any trade, occupation, or process of manufacture, or any method of carrying on such trade, occupation, or process of manufacture in which any person may be engaged, except in such private domestic service or agricultural pursuits as do not involve the use of mechanical power.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment, place of employment, or of any employe.

(4) The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment or to go or work or be at any time in any place of employment.

(5) The term "frequenter" shall mean and include every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render him other than a trespasser.

(6) The term "deputy" shall mean and include any person employed by the industrial commission designated as such deputy by the commission, who shall possess special, technical, scientific, managerial, or personal abilities or qualities in matters within the jurisdiction of the industrial commission, and who may be engaged in the performance of duties under the direction of the commission calling for the exercise of such abilities or qualities.

(7) The term "order" shall mean and include any decision, rule, regulation, direction, requirement, or standard of the commission or any other determination arrived at or decision made by such commission.

(8) The term "general order" shall mean and include such order as applies generally throughout the State to all persons, employments, places of employment, or public buildings, or all persons, employments, or places of employment or public buildings of a class under the jurisdiction of the commission. All other orders of the commission shall be considered special orders.

(9) The term "local order" shall mean and include any ordinance, order, rule, or determination of any common council, board of aldermen, board of trustees, or the village board, of any village or city, or the board of health of any municipality, or an order or direction of any official of such municipality, upon any matter over which the industrial commission has jurisdiction.

(10) The term "welfare" shall mean and include comfort, decency, and moral well-being.

(11) The term "safe" or "safety" as applied to an employment or a place of employment or a public building shall mean such freedom from danger to the life, health, safety, or welfare of employes or frequenters, or the public, or tenants, or firemen, and such reasonable means of notification, egress, and escape in case of fire, and such freedom from danger to adjacent buildings or other property as the nature of the employment, place of employment, or public building will reasonably permit.

(12) The term "public building" as used in sections 101.01 to 101.29 shall mean and include any structure used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three or more tenants.

(13) The term "owner" shall mean and include every person, firm, corporation, State, county, town, city, village, manager, representative, officer, or other person having ownership, control, or custody of any place of employment or public building, or of the construction, repair, or maintenance of any place of employment or public building, or who prepares plans for the construction of any place of employment or public building. Said sections 101.01 to 101.29, inclusive, shall apply, so far as consistent, to all architects and builders.

SEC. 101.02. *Commission created; appointments.*—There is hereby created a board which shall be known as the "Industrial Commission of Wisconsin." The governor, by and with the advice and consent of the senate, shall appoint a member who shall serve two years, another who shall serve four years, and another who shall serve six years. Thereafter each member shall be appointed and confirmed for terms of six years each. Each member of the board shall take and file the official oath. A majority of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it. In case of a vacancy the remaining two members of the board shall exercise all the powers and authority of the board until such vacancy is filled. This board shall supersede and perform all of the duties of the industrial accident board provided in sections 102.01 to 102.41, inclusive.

SEC. 101.03. *Organization.*—Within thirty days after the passage and publication of this act such commission shall meet at the State capitol and organize in the manner provided for the organization of the industrial accident board in section 102.14 of the statutes. A majority of said commissioners shall constitute a quorum to transact business. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 101.04. *Office; sessions.*—The commission shall keep its office at the capitol and shall be provided by the superintendent of public property with suitable rooms, necessary furniture, stationery, books, periodicals, maps, instruments, and other necessary supplies. The commission may, however, hold sessions at any place other than the capitol when the convenience of the commission and the parties interested so requires.

SEC. 101.05. *Legal status; seal.*—The commission shall be known collectively as the "Industrial Commission of Wisconsin," and in that name may sue and be sued. It shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Industrial Commission—Wisconsin—Seal."

SEC. 101.06. *Employer's duty as to safety.*—Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein and for frequenters thereof, and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters. Every employer and every owner of a place of employment or a public building now or hereafter constructed shall so construct, repair, or maintain such place of employment or public building, and every architect shall so prepare the plans for the construction of such place of employment or public building as to render the same safe.

SEC. 101.07. *Employees changing safeguards.*—(1) No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employers shall fail to furnish, provide, and use safety devices and safeguards, or fail to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety, or welfare of such employees and frequenters; and no employer or owner or other person shall hereafter construct or occupy or maintain any place of employment, or public building that is not safe, nor prepare plans which shall fail to provide for making the same safe.

(2) No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or place of employment, nor interfere in any way with the use thereof by any other person, nor shall any such employee interfere with the use of any method or process adopted for the protection of any employee in such employment or place of employment or frequenter of such place of employment, nor fail or neglect to do every other thing reasonably necessary to protect the life, health, safety, or welfare of such employees or frequenters.

SEC. 101.08. *Employers to furnish information; inspection.*—(1) Every employer and every owner shall furnish to the commission all information required by it to carry into effect the provisions of sections 101.01 to 101.29, inclusive, and shall make specific answers to all questions submitted by the commission relative thereto.

(2) Any employer receiving from the commission any blanks calling for information required by it to carry into effect the provisions of sections 101.01 to 101.29, inclusive, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure, and said answer shall be verified under oath by the employer, or by the president, secretary, or other managing officer of the corporation, if the employer is a corporation, and returned to the commission at its office within the period fixed by the commission.

(3) Any commissioner or deputy of the commission may enter any place of employment or public building for the purpose of collecting facts and statistics, examining the provisions made for the health, safety, and welfare of the employees, frequenters, the public, or tenants therein and bringing to the atten-

tion of every employer or owner any law, or any order of the commission, and any failure on the part of such employer or owner to comply therewith. No employer or owner shall refuse to admit any commissioner or deputy of the commission to his place of employment or public building.

SEC. 101.09. *Supervisory powers of commission.*—The industrial commission is vested with the power and jurisdiction to have such supervision of every employment, place of employment, and public building in this State as may be necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment, or public building to be safe, and requiring the protection of the life, health, safety, and welfare of every employee in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building: *Provided, however,* That the provisions of this section shall not apply to rural school buildings.

SEC. 101.10. *Other powers.*—It shall also be the duty of the industrial commission, and it shall have power, jurisdiction, and authority:

(1) To employ, promote, and remove deputies, clerks, and other assistants as needed, to fix their compensation, and to assign to them their duties; and to appoint advisers who shall, without compensation, assist the industrial commission in the execution of its duties.

(2) To administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to child labor, laundries, stores, employment of females, licensed occupations, school attendance, bakeries, employment offices, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, wood-sawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders, and other matters relating to the erection, repair, alteration, or painting of buildings and structures, and all other laws protecting the life, health, safety, and welfare of employees in employments and places of employment and frequenters of places of employment.

(3) To investigate, ascertain, declare, and prescribe what safety devices, safeguards, or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders, and to establish and maintain museums of safety and hygiene in which shall be exhibited safety devices, safeguards, and other means and methods for the protection of life, health, safety, and welfare of employees.

(4) To ascertain and fix such reasonable standards and to prescribe, modify, and enforce such reasonable orders for the adoption of safety devices, safeguards, and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety, and welfare of employees in employments and places of employment or frequenters of places of employment.

(5) To ascertain, fix, and order such reasonable standards, rules, or regulations for the construction, repair, and maintenance of places of employment and public buildings as shall render them safe.

(5a) To make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of age or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings or property and for the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering firemen in case of fire.

(5b) The industrial commission and its deputies shall have the right at all reasonable hours to enter into and upon all buildings, premises, and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire. Any employee of the department of the State fire marshal who may be on July 1, 1917, engaged in fire prevention inspection shall be eligible to appointment as a deputy for similar work by the industrial commission.

(5c) The industrial commission is hereby empowered and directed to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the State superintendent of public instruction.

(6) To investigate, ascertain, and determine such reasonable classifications of persons, employments, places of employment, and public buildings as shall be necessary to carry out the purposes of sections 101.01 to 101.29, inclusive.

(7) To adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings; such rules and regulations shall not be effective until ten days after their publication. A copy of such rules and regulations shall be delivered to every citizen making application therefor, and a copy delivered with every notice of hearing.

(8) To do all in its power to promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees, and to avoid the necessity of resorting to lockouts, boycotts, blacklists, discriminations, and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed in sections 101.01 to 101.29, inclusive. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as his assistants, for the purpose of executing these provisions. Deputies may act on temporary boards without extra compensation.

(9) To establish and conduct free employment agencies, to license and supervise the work of private employment offices, to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this State, to aid in procuring employment for the blind adults of the State, to aid in inducing minors to undertake promising skilled employments, to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the State of Wisconsin and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(9a) (a) Any county, city, town or village may enter into an agreement with the Wisconsin industrial commission for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon: *Provided, however,* That no local free employment office shall be established by the industrial commission in any county, city, town or village, to be maintained in whole or in part by public funds unless such county, city, town or village, shall jointly or severally agree to furnish as a minimum in the joint enterprise, suitable quarters for such office, which must be approved by the industrial commission and to pay all expenses for such quarters as rent, heat, light, furniture, telephone rental and janitor service. The industrial commission may defray all other expenses in connection with such office.

(10) To collect, collate and publish statistical and other information relating to the work under its jurisdiction and to make public reports in its judgment necessary.

(11) To rent, furnish and equip, except as provided in subsection (9a) of this section, such offices as may be needed in cities for the conduct of its affairs. All payments arising under this section shall be charged against the proper appropriation for the industrial commission.

(12) To fix and collect fees for the inspection of boilers not exceeding two dollars for each external inspection and five dollars for each internal inspection, per annum, and to collect fees for the inspection of elevators not exceeding two dollars semiannually for inspection. The fees so fixed shall be paid by the owners of such boilers or elevators. The commission may accept inspections of boilers and elevators by qualified inspectors of insurance companies where such boilers or elevators are insured, in which case no fee shall be charged. The commission may also accept inspections by qualified inspectors

of boilers or elevators in cities of the first, second, and third classes, in which case the city may collect and retain such fee for inspection as may be fixed by the commission for its own inspections.

(13) To require the submission of proper plans and specifications for places of employment and public buildings, also for elevators, toilets, and other permanent equipment of such buildings. Where such plans and specifications are required by the commission, no local officer shall issue any permit or license for the construction or use or such building, until the plans and specifications therefor as to safety and sanitation shall have been approved by the commission. But this requirement shall not apply in cities where plans are examined and building permits are issued by a city building inspector in a manner approved by the commission.

Sec. 101.11. *Complaints and investigation.*—(1) Upon petition, after January 1, 1912, by any person that any employment or place of employment or public building is not safe, the commission shall proceed with or without notice, to make such investigation as may be necessary to determine the matter complained of.

(2) After such hearing as may be necessary, the commission may enter such order relative thereto as may be necessary to render such employment or place of employment or public building safe.

(3) Whenever the commission shall learn that any employment or place of employment or public building is not safe it may of its own motion, summarily investigate the same, with or without notice, and enter such order as may be necessary relative thereto.

Sec. 101.12. *Transfer.*—(1) All duties, liabilities, authority, powers, and privileges heretofore or hereafter conferred and imposed by law upon the commissioner of labor and industrial statistics, deputy commissioner of labor and industrial statistics, factory inspector, woman factory inspector and assistant factory inspectors, are hereby imposed and conferred upon the industrial commission and its deputies.

(2) All laws relating or referring to the commissioner of labor and industrial statistics, and the deputy commissioner of labor and industrial statistics, except those laws relating or referring to their appointment and qualification and to their membership or service on the industrial accident board, and all laws relating or referring to the factory inspector, the woman factory inspector and assistant factory inspectors, shall apply to and be deemed to relate and refer to the industrial commission, so far as the said laws are applicable.

Sec. 101.13. *Orders.*—All orders of the industrial commission in conformity with law shall be in force, and shall be prima facie lawful; and all such orders shall be valid and in force, and prima facie reasonable and lawful until they are found otherwise in an action brought for that purpose, pursuant to the provisions of section 101.27 of the statutes, or until altered or revoked by the commission.

Sec. 101.14. *Publication.*—(1) All general orders shall take effect within thirty days after their publication in the official State papers. Special orders shall take effect as therein directed.

(2) The commission shall, upon application of any employer or owner, grant such time as may be reasonably necessary for compliance with any order.

(3) Any person may petition the commission for an extension of time, which the commission shall grant if it finds such an extension of time necessary.

Sec. 101.15. *Petition and hearing.*—(1) Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the commission in the manner provided in sections 101.01 to 101.29, inclusive.

(2) Such petition for hearing shall be by verified petition filed with the commission, setting out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the commission on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition. All hearings of the commission shall be open to the public.

(3) Upon receipt of such petition, if the issues raised in such petition have theretofore been adequately considered, the commission shall determine the same by confirming without hearing its previous determination, or if such hearing is necessary to determine the issues raised, the commission shall order a hearing thereon and consider and determine the matter or matters in question

at such times as shall be prescribed. Notice of the time and place of such hearing shall be given to the petitioner and to such other persons as the commission may find directly interested in such decision.

(4) Upon such investigation, if it shall be found that the order complained of is unjust or unreasonable the commission shall substitute therefor such other order as shall be just and reasonable.

(5) Whenever at the time of the final determination upon such hearing it shall be found that further time is reasonably necessary for compliance with the order of the commission, the commission shall grant such time as may be reasonably necessary for such compliance.

SEC. 101.16. *General orders; local orders.*—(1) Nothing contained in sections 101.01 to 101.29, inclusive, shall be construed to deprive the common council, the board of aldermen, the board of trustees or the village board of any village or city, or the board of health of any municipality of any power or jurisdiction over or relative to any place of employment or public building: *Provided*, That whenever the industrial commission shall, by an order, fix a standard of safety or any hygienic condition for employments or places of employment or public buildings, such order shall, upon the filing by the commission of a copy thereof with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by said order. Thereafter no local officer shall make or enforce any order contrary thereto.

(2) Any person affected by any local order in conflict with an order of the commission, may in the manner provided in section 101.15 of the statutes, petition the industrial commission for a hearing on the ground that such local order is unreasonable and in conflict with the order of the commission. The petition for such hearing shall conform to the requirements set forth for a petition in said section 101.15 of the statutes.

(3) Upon receipt of such petition the commission shall order a hearing thereon, to consider and determine the issues raised by such appeal, such hearing to be held in the village, city or municipality where the local order appealed from was made. Notice of the time and place of such hearing shall be given to the petitioner and such other persons as the commission may find directly interested in such decision, including the clerk of the municipality or town from which such appeal comes. If upon such investigation it shall be found that the local order appealed from is unreasonable and in conflict with the order of the commission, the commission may modify its order and shall substitute for the local order appealed from such order as shall be reasonable and legal in the premises, and thereafter the said local order shall, in such particulars, be void and of no effect.

SEC. 101.17. *Review.*—(1) No action, proceeding or suit to set aside, vacate or amend any order of the commission or to enjoin the enforcement thereof, shall be brought unless the plaintiff shall have applied to the commission for a hearing thereon at the time and as provided in section 101.15 of the statutes, and in the petition therefor shall have raised every issue raised in such action.

(2) Every order of the commission shall, in every prosecution for violation thereof, be conclusively presumed to be just, reasonable, and lawful, unless prior to the institution of prosecution for such violation an action shall have been brought to vacate and set aside such order as provided in section 101.26 of the statutes.

SEC. 101.18. *Violations.*—[Each day's failure to comply with sections 101.01 to 101.29 shall constitute a separate violation.]

SEC. 101.19. *Power as to witnesses.*—Each of the commissioners for the purposes mentioned in sections 101.01 to 101.29, inclusive, shall have power to administer oaths, certify to official acts, issue subpœnas, compel the attendance of witnesses, and the production of papers, books, accounts, documents, and testimony. In case of failure of any person to comply with any order of the commission or any subpœna lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the circuit court of any county, or the judge thereof, on application of a commissioner to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpœna issued from such court or a refusal to testify therein.

SEC. 101.23. *Special agents.*—(1) For the purpose of making an investigation with regard to any employment or place of employment or public building, the commission shall have power to appoint, by an order in writing, any

member of the commission, any deputy who is a citizen of the State, or any other competent person as an agent, whose duties shall be prescribed in such order.

(2) In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this act to the commission, and the same powers as a court commissioner with regard to the taking of depositions; and all powers granted by law to a court commissioner relative to depositions are hereby granted to such agent.

(3) The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony if the commission so order nor further investigation.

SEC. 101.25. *Technical omissions.*—A substantial compliance with the requirements of sections 101.01 to 101.29, inclusive, shall be sufficient to give effect to the orders of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto.

SEC. 101.26. *Review of orders.*—(1) Any employer, owner, or other person in interest being dissatisfied with any order of the commission may commence an action in the circuit court for Dane county against the commission as defendant to vacate and set aside any such order on the ground that the order is unlawful, or that any such order is unreasonable, in which action the complaint shall be served with the summons.

(2) The answer of the commission to the complaint shall be served and filed within ten days after service of the complaint, whereupon said action shall be at issue and stand ready for trial upon ten days' notice to either party.

(3) All such actions shall have precedence over any civil cause of a different nature pending in such court, and the circuit court shall always be deemed open for the trial thereof, and the same shall be tried and determined as other civil actions.

(4) No injunction shall issue suspending or staying any order of the commission except upon application to the circuit court or the presiding judge thereof, notice to the commission, and hearing.

SEC. 101.28. *Violations.*—[Violations entail forfeitures of $10 to $100 for each offense. State, county, and municipal officers must, on request of the industrial commission, enforce all lawful orders in their respective departments in so far as consistent with their general duties.]

SEC. 101.30. *Boiler inspection.*—No machine, mechanical device, or steam boiler shall be installed or used in this State which does not fully comply with the requirements of the laws of this State enacted for the safety of employees and frequenters in places of employment and public buildings and with the orders of the industrial commission adopted and published in conformity with sections 101.01 to 101.28, inclusive, of the statutes. Any person, firm, or corporation violating the provisions of this act shall be subject to the forfeitures provided in sections 101.18 and 101.28 of the statutes.

Employment regulations

SECTION 103.01. *Definitions.*—The following terms as used in sections 103.01 to 103.04, inclusive, shall be construed as follows:

(1) The term "place of employment" shall mean and include any manufactory, mechanical or mercantile establishment, laundry, restaurant, confectionery store, or telegraph or telephone office or exchange, or any express or transportation establishment.

(2) The term "employment" shall mean and include any trade, occupation or process of manufacture, or any method of carrying on such trade or occupation in which any female may be engaged, or for any place of employment, as herein defined.

(3) The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other person having control or custody of any employment or place of employment, as herein defined.

(4) The terms "order," "general order," "special order," "safe," "safety," and "welfare" shall be construed as defined in section 101.01 of the statutes.

SEC. 103.02. *Hours of labor for women.*—(1) No female shall be employed or be permitted to work in any place of employment or at any employment for such period or periods of time during any day, night, or week, as shall be dangerous or prejudicial to the life, health, safety, or welfare of such female. It shall be the duty of the industrial commission and it shall have power, jurisdiction, and authority to investigate, ascertain, determine, and fix such reasonable classification, and to issue general or special orders fixing a period or periods of time, or hours of beginning and ending work during any day, night, or week, which shall be necessary to protect the life, health, safety, or welfare of any female, or to carry out the purposes of sections 103.01 to 103.04, inclusive, of the statutes. Such investigations, classifications, and orders, and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 101.01 to 101.28, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 103.01, 103.02, subsection (1), 103.03, and 103.04 of the statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 103.01, 103.02, subsection (1), 103.03, and 103.04 of the statutes. Until such time as the industrial commission shall so investigate, ascertain, determine, and fix, and shall issue general or special orders thereon, the periods of time specified in the attached schedule shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of females.

SCHEDULE

At day work, more than nine hours in any one day, or more than fifty hours in any one week: *Provided*, That during emergency periods of not to exceed four weeks in any calendar year any female may be employed for not to exceed ten hours in any one day and not more than fifty-five hours in any one week, such excess time to be paid for at the rate of one and one-half times the regular rates.

At night work, more than eight hours in any one night, or more than forty-eight hours in any one week.

Day work is work done between six o'clock a. m. and eight o'clock p. m. of the same day: *Provided*, That employment not more than one night in the week after eight o'clock p. m. shall not be considered night work.

Night work is work done between eight o'clock p. m. and six o'clock a. m. of the following day.

Less than one hour during each day or night for dinner or other meals.

(2) No female shall be employed or be permitted to work in any hotel—

(a) At day work, more than ten hours in any one day, or more than fifty-five hours in any one week;

(b) At night work, more than nine hours in any one day, or more than fifty-four hours in any one week.

(3) For the purpose of this section night work is defined as a period of employment which in whole or in part falls between nine o'clock p. m. and six o'clock a. m. of the day following.

(4) The powers granted, imposed, and conferred upon the industrial commission by the provisions of section 103.02 of the statutes shall not apply to the hours of employment fixed under this section.

SEC. 103.03. *Posting time list.*—Every employer shall post in a conspicuous place in each of the several departments in or for which women are employed a list on a printed form furnished by the industrial commission, stating the names and hours required of each woman during each day of the week, the hours of commencing and stopping work, and the period allowed for dinner or other meals. Such list need not be posted where time records are kept for inspection by the said commission for a period of at least six months prior to such inspection or where any other substitute equally effective for the enforcement of sections 103.01 to 103.04, inclusive, is approved by the commission.

SEC. 103.04. *Violations.*—[Every day and every week a female is employed in violation of this act shall constitute a separate offense.]

SEC. 103.05. *Definitions.*—(1) The terms "place of employment," "employment," "employer," "employee," "frequenter," "deputy," "order," "local

order," "general order," "special order," "welfare," "safe," and "safety," as used in sections 103.05 to 103.15, inclusive, shall be construed as defined in section 101.01 of the statutes.

(2) *Dangerous employments.*—(a) No employer shall employ or permit any minor or any female to work in any place of employment, or at any employment dangerous or prejudicial to life, health, safety, or welfare of such minor or such female, or where the employment of such minor may be dangerous or prejudicial to the life, health, safety, or welfare of other employees or frequenters.

(b) It shall be the duty of the industrial commission, and it shall have power, jurisdiction, and authority to investigate, determine, and fix reasonable classifications of employments and places of employment, minors and females, and to issue general or special orders prohibiting the employment of such minors or females in any employment or place of employment dangerous or prejudicial to the life, health, safety, or welfare of such minor or female, and to carry out the purposes of sections 103.05 to 103.15, inclusive, of the statutes.

(c) The investigations, classifications, and orders provided for in paragraph (b) of this section and any action, proceeding, or suit to set aside, vacate, or amend any such order of the commission, or enjoin the enforcement thereof, shall be made pursuant to sections 101.01 to 101.28, inclusive, of the statutes, and every order of the commission shall have the same force and effect as the orders issued pursuant to sections 101.01 to 101.28, inclusive, of the statutes.

(3) Until such time as the industrial commission shall investigate, determine, and fix the classifications provided for in paragraph (b) of subsection (2) of this section, the employments and places of employment designated in the following schedule shall be deemed to be dangerous or prejudicial to the life, health, safety, or welfare of minors or females under the ages specified:

(a) Minors under twenty-one years of age: In cities of the first, second, and third class, before six o'clock in the morning and after eight o'clock in the evening of any day, as messenger for a telegraph or messenger company in the distribution, transmission, or delivery of messages or goods.

(b) Minors under eighteen years of age:

1. Blast furnaces; in or about.
2. Boats and vessels engaged in the transportation of passengers or merchandise; pilot; fireman; engineer.
3. Docks; in or about.
4. Dusts; operating or using any emery, tripoli, rouge, corundum, stone carborundum, and abrasive or emery polishing or buffing wheel, where articles of the baser materials, or of iridium, are manufactured.
5. Electric wires; on the outside erection and repair of electric wires, including telegraph and telephone wires.
6. Elevators; in the running or management of any elevators, lifts, or hoisting machines.
7. Explosives; in or about establishments where nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded, or stored.
8. Matches; in dipping, dyeing, or packing.
9. Mine or quarry; in or about.
10. Oiling or cleaning; in oiling or cleaning dangerous or hazardous machinery in motion.
11. Railroads, street railways, and interurban railroads; switch-tending, gate-tending, or track repairing; as brakeman, fireman, engineer, motorman, conductor, telegraph operator.
12. Wharves; in or about.
13. Females; in the distribution or delivery of messages for any telegraph or telephone company or other employer engaged in similar business.

(c) Minors under sixteen years of age:

1. Bakeries; dough brakes or cracker machinery of any description.
2. Belts; adjusting belts (in motion); sewing belts (in any capacity).
3. Boilers; operating any steam boiler or steam-generating apparatus.
4. Bowling alleys; as pin boys.
5. Building trades; on scaffolding, or on a ladder or in heavy work.
6. Burnishing machines in any tannery or leather manufacturing.
7. Corrugating rolls in roofing or washboard factories.
8. Dusts; occupations causing dust in injurious quantities.

(c) Minors under sixteen years of age—Continued.
9. Emery or polishing wheel for polishing metal.
10. Immoral purposes; manufacture of goods for.
11. Iron and steel, wire or iron-straightening machinery; punchers or shears.
12. Laundry machinery.
13. Liquors; in or about any store, brewery, distillery, bottling establishment, hotel barroom, saloon, saloon dining room or restaurant, any place in connection with a saloon or a similar place of any name, or in or about any dance hall, bowling alley, pool room, beer garden, or similar place of any name, in which strong, spirituous, or malt liquors are made, bottled, sold, or given away.
14. Machinery; oiling or assisting in oiling, wiping, or cleaning any machinery in motion. Operating or assisting in operating or taking material from any circular or band saw, or any crosscut saw or slasher, or other cutting or pressing machine from which material is taken from behind.
15. Paints and poisons; manufacture of paints, colors, or white lead. Manufacture of any composition in which dangerous or poisonous acids are used. Manufacture or preparation of compositions of dangerous or poisonous dyes. Manufacture or preparation of compositions with dangerous or poisonous gases. Manufacture or preparation of compositions of lye or in which the quantity thereof is injurious to health.
16. Presses; cylinder or job, boring or drill.
17. Rubber; washing, grinding, or mixing mill or calendar rolls in rubber manufacturing.
18. Stamping machines; in sheet-metal and tinware manufacturing. In washer and nut factory. In lace-paper and leather manufacturing.
19. Theater or concert hall.
20. Tobacco; in any tobacco warehouse, cigar, or other factory where tobacco is manufactured or prepared.
21. Woodworking; wood shaper, wood jointer, planer, sandpaper, wood-polishing or wood-turning machine.
22. Wool, cotton, hair, upholstering; carding machine, or machine used in picking wool, cotton, hair, or any upholstering material.
23. Any other employment dangerous to life or limb, injurious to the health, or depraving to the morals.

(d) Females:
1. Any female under seventeen years of age in any capacity where such employment compels her to remain standing constantly.
2. Any female in or about any mine or quarry. No female under the age of twenty-one years shall be employed as a bellhop in any hotel.

(4) *Permits.*—(a) No child between the ages of fourteen and seventeen years unless indentured as an apprentice, as provided in section 106.01 of the statutes, shall be employed, or permitted to work at any time in any factory, workshop, store, hotel, restaurant, bakery, mercantile establishment, laundry, telegraph, telephone, or public messenger service, or the delivery of any merchandise, or at any gainful occupation or employment, directly or indirectly, or, in cities wherein a vocational school is maintained, in domestice service other than casual employment in such service, unless there is first obtained from the industrial commission or from a judge of a county, municipal, or juvenile court designated by the industrial commission where such child resides, or from some other person designated by the industrial commission a written permit authorizing the employment of such child in such employment within such time or times as the said industrial commission or a judge or other person designated by said commission may fix; providing that such times shall not contliet with those designated in subsection (8) of this section.

(b) No child under the age of fourteen years shall be employed, or permitted to work at any gainful occupation or employment, except that during the vacation of the public or equivalent school in the town, village, or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, mercantile establishment, warehouse, telegraph, telephone, or public messenger service, in the town, village, or city where it resides and not elsewhere: *Provided,* That it shall have first obtained

a permit in the same manner and under the same conditions as prescribed in paragraph (a) of subsection (4) of this section. For such vacation permit no proof of educational qualifications shall be necessary. This paragraph shall not be construed to authorize the employment of any child under fourteen years of age in the delivery of merchandise.

(4a) Except for employment in domestic service as provided in paragraph (a) of subsection (4) of this section, which employment involves the attendance of the child at vocational school, the permit provided for in said subsection shall not be required during school vacations for employment of children of the ages therein specified in any work usual to the home of the employer, provided that such employment shall not be in connection with nor form a part of the business, trade, profession, or occupation of the employer, and provided further that such employment shall not be specifically prohibited by any provision of this section nor by any order of the industrial commission issued under its authority. Children between fourteen and seventeen years of age may be likewise employed in any work usual to the home of the employer without permits during school terms but not during the daily period of the school session if such children are in actual, regular, and full time attendance as provided by law at any public, private, or parochial school and maintain in such school a passing grade in all studies pursued by them. This subsection shall not authorize the employment of a child who is at the time guilty of truancy or deficiency in his studies.

(5) The permit provided for in subsection (4) of this section shall contain the signature of the vocational school director where the child is to attend and state the name, the date, and place of birth of the child, the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the following evidence, records, and papers have been duly examined, approved, and filed.

(a) Such evidence as is required by the industrial commission showing the age of the child. The industrial commission shall formulate and publish rules and regulations governing the proof of age of minors who apply for labor permits, and such rules and regulations shall be binding upon all persons authorized by law to issue such permits.

(b) A certificate of the superintendent of schools or the principal of the school last attended by the child, or in the absence of both of the aforementioned persons a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating also the date of the birth of such child, and the number of years such child has attended school. Such certificate shall contain the further statement that such child has passed successfully the eighth grade in the public school, or in some school having a substantially equivalent course, or that it has attended school for at least nine years. Attendance at kindergarten shall not be counted as a part of the nine years of school attendance. It shall be the duty of such superintendent, principal, or clerk to issue such certificate upon receipt of any application in behalf of any child entitled thereto.

(c) A letter written on the regular letterhead or other business paper used by the person who desires to employ the child, stating the intention of such person to employ such child and signed by such person or someone duly authorized by him.

(6) (a) The permits provided for in subsection (4) of this section shall be issued upon blanks furnished by the industrial commission and shall be made out in duplicate. One of such duplicates shall be forthwith returned to the industrial commission, together with a detailed statement of the character and substance of the evidence offered prior to the issuance of such permit. Such statement shall be made upon blanks furnished by the industrial commission.

(b) Whenever it shall appear to the industrial commission that any permit has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the permit, the said commission may forthwith, without notice, revoke the same, and shall by registered mail notify the person employing such child, and the child holding such permit of such revocation. Upon receipt of such notice the employer employing such child shall forthwith return the revoked permit to the industrial commission and discontinue the employment of the child.

(c) The industrial commission or other person designated under the provisions of subdivision (a) of subsection (4) of this section, may refuse to grant permits in the case of children who may seem physically unable to

perform the labor at which they are to be employed. They may also refuse to grant a permit if, in their judgment, the best interest of the child would be served by such refusal.

(*d*) Nothing contained in sections 103.05 to 103.15, inclusive, of the statutes, shall be construed to forbid any child from being employed in agricultural pursuits, nor to require a permit to be obtained for such child.

(6a) (a) In case any applicant for employment claims to be more than seventeen years of age, and that he or she is unable to furnish documentary proof of his or her date of birth, the county court of the county wherein such applicant resides may, by judgment, establish the age and the date and place of birth of such person.

(b) Proceedings for such purpose shall be had only upon the verified petition of the applicant, setting forth his full name, his residence during the five years next preceding the filing of the petition, the date and the place of his birth, the full names of his parents and the residence of each, the period of time spent in school and the grade he or she has completed.

(c) A notice stating therein the general nature of the application and the time and place of the hearing, shall be published at least once in some newspaper published in the county, to be designated by the court, such publication to be made at least ten days prior to the date fixed for the hearing. Proof of publication shall be made by affidavit of the publisher.

(d) At the hearing of the petition, testimony shall be taken as to all matters contained therein and the same shall be preserved and filed in the proceeding. If it shall satisfactorily appear that the applicant is unable to establish his age by a birth certificate filed or recorded, as required by law, in the State or country of his birth, or by a verified baptismal certificate issued under seal of the church in which the applicant was baptized, showing that the applicant was baptized at least five years prior to the filing of the petition, and the court shall be satisfied as to the age of the applicant and the date and place of his birth, it shall determine the same and make findings accordingly.

(e) A certified copy of such findings shall be conclusive evidence of the age of the applicant in any proceedings under any of the labor laws and workmen's compensation laws of this State, as to any act or thing occurring subsequent to the date of the judgment.

(7) Every employer employing or permitting a minor to work as provided in this section shall:

(a) Receive and file the permit before the minor is permitted to do any work and shall keep the same on file during the entire period of the employment of the minor and subject at all times to the inspection of the industrial commission or any truant officer.

(b) Post in a conspicuous place in each of the several departments in or for which minors under sixteen years of age are employed a list on a printed form furnished by the industrial commission stating the names, ages, and hours required of each child during each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or other meals begin and end.

(c) Upon the termination of employment of any minor, return within twenty-four hours the permit for employment of such minor to the person and place designated by the industrial commission, with a statement of reasons for the termination of said employment. Any employer who fails to return the permit of any minor as provided in this paragraph shall be liable in action to such minor for two dollars for each day during which such failure continues.

(8) *Work time.*—(a) No child under the age of sixteen years shall be employed or permitted to work at any gainful occupation, other than domestic service or farm labor, for more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor more than six days in any one week. In any locality where the daylight-savings plan has been adopted the words "seven o'clock in the morning and six o'clock in the evening," as hereinbefore used, shall mean seven o'clock in the morning according to daylight savings and six o'clock in the evening according to daylight savings so long as said daylight savings shall remain in force in said locality. In occupations in which the hours of labor of women are regulated under the provisions of the statutes the dinner period for girls under sixteen shall not be shorter than that provided for adult women. In occupations in which the

hours of labor of women are not regulated under the provisions of the statutes the dinner period for girls under sixteen shall not be less than one hour. In no case shall the dinner period allowed to boys under sixteen years of age be less than thirty minutes. During such dinner period the power shall be disengaged from machinery operated by children under sixteen years of age and no work shall be permitted.

(b) No person under eighteen years of age shall be employed or permitted to work in a cigar shop or cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Sec. 103.06. *Illiterate minors.*—No person, firm, or corporation shall employ an illiterate minor over seventeen years of age in any city, village, or town in which a public evening school or vocational school is maintained, unless such minor is a regular attendant at the public evening school or vocational school. An illiterate minor within the meaning of this section is a minor who can not read at sight and write legibly simple sentences in the English language. Attendance of four hours per week at the public evening school or vocational school shall be deemed regular attendance within the meaning of this section.

Sec. 103.07. *Duty of parents.*—No parent, guardian, or custodian shall permit a minor over seventeen years of age to be employed in violation of section 103.06.

Sec. 103.08. *Vocational school records.*—Any minor required by section 103.06 to attend an evening school or vocational school shall furnish to his employer each week during its session a record showing that he is a regular attendant at the evening school or vocational school. The employer shall file all records of attendance in his office, and no minor subject to sections 103.06 to 103.11, inclusive, shall be employed unless the records of attendance or absence for valid cause during the previous week be on file.

Sec. 103.09. *Physician's certificate excusing attendance.*—Upon presentation by a minor of a certificate signed by a registered practicing physician showing that his physical condition or the distance necessary to be traveled would render the required school attendance, in addition to his daily labor, prejudicial to his health, the industrial commission may in its discretion authorize his employment for such period as it may determine.

Sec. 103.10. *Violations.*—[Violations of sections 103.06 to 103.09 are punishable by fine, $10 to $100 for each offense.]

Sec. 103.11. *Violations.*—[Violations by parents or guardians of sections 103.07 and 103.08 entail a fine, $5 to $25 for each offense.]

Sec. 103.12. *Permits to sing, play, or perform.*—[No child under sixteen years of age shall be employed or permitted to sing, play, or perform in any circus, theatrical or musical exhibition, concert or festival, or in any public place without a permit; but this does not apply to the musical education of children, or their appearance in church, school, or home-talent exhibitions.]

Sec. 103.13. *Employment in theaters, factories, etc.*—(1) The industrial commission and truant officers shall visit and inspect at all reasonable times, and as often as possible, all places covered by sections 103.05 to 103.13, inclusive, of the statutes.

(2) Any person being the owner or lessee of any opera house, theater, or moving-picture house, or any similar place of any name, or having in whole or in part the management or control thereof, shall be responsible for any violation of sections 103.05 to 103.13, inclusive, of the statutes on the premises of such opera house or similar place of any name.

(3) The failure of any employer to produce for inspection to the industrial commission or truant officers the permit provided for in subsection (4) of section 103.05 shall be prima facie evidence of unlawful employment of the minor. The presence of any minor in any factory, workshop, or other place of employment shall be prima facie evidence of the employment of such minor. The presence of any child under sixteen years of age in any factory, workshop, or other place of employment at any time other than that named on the posted hours of labor, as provided in subsection (7) of section 103.05, shall be prima facie evidence of the unlawful employment of such child.

(4) (a) No person, firm, or corporation, during the term that the public schools are in session, shall advertise or cause or permit any advertisement to be published in any newspaper for the labor or services of any child during school hours in any employment for which a labor permit is required under the provisions of section 103.05 of the statutes which does not specifically state the minimum age of the child whose services are desired, which age must be above that for which a labor permit is required.

(b) No person, firm, or corporation, or paid agent thereof, shall solicit in the schools or homes of this State children of permit age to leave school and enter their employment if a labor permit is required for such employment by section 103.05 of the statutes.

(c) Any person, firm, or corporation who shall violate any of the provisions of this section shall forfeit and pay into the State treasury a sum not less than ten dollars nor more than one hundred dollars for each such offense. Every day during which any person, firm, or corporation violates any of the provisions of this section shall constitute a separate and distinct offense.

SEC. 103.14. *Vocational school, attendance.*—(1) Whenever any day vocational school shall be established in any town, village, or city in this State for minors working under permit as now provided by law, every such child residing or employed within any town, village, or city in which any such school is established who has not completed four years of work above the eight elementary grades, and who is not in attendance at some other public, private, or parochial school at least half time, shall attend such school not less than half time in the daytime until the end of the school term, quarter, semester, or other division of the school year in which he is sixteen years of age, and after that eight hours a week until the end of the term, quarter, semester, or other division of the school year in which he is eighteen years of age for at least eight months in each year, and for such additional months or parts thereof as the other public schools in such city, town, or village are in session in excess of eight during the regular school year, or the equivalent, as may be determined by the local board of industrial education, and every employer shall allow all minor employees a reduction in hours of work of not less than the number of hours the minor is by law required to attend school. Whenever the working time and the class time coincide, such reduction in hours of work shall be allowed at the time when the classes which the minor is by law required to attend are held.

(2) This act shall take effect upon passage and publication, but in cities in which suitable quarters are not available, and in cities in which new buildings are in process of erection, the state board of vocational education may, for a reasonable period not to extend beyond September 1, 1923, provide for temporary continuation of the present legal requirements and a gradual transition to the requirements established by this act.

(3) The total hours of schooling and employment for minors under sixteen years of age shall not exceed eight in any one day and forty-eight in any one week, and the total hours of schooling and employment for boys over sixteen and under seventeen years of age shall not exceed fifty-five in any one week; except when the minor shall attend school a greater number of hours than is required by law, in which case the total number of hours may be increased by the excess of the hours of school attendance over the minimum prescribed by law.

SEC. 103.15. *Violations.*—(1) (a) [Violations of sections 103.05 to 103.15 by employers are punishable by fine, $10 to $100, or imprisonment not exceeding 30 days. Each day's violation constituting a separate offense.

Parents or guardians violating the law shall be fined $5 to $25, or imprisoned not over 30 days.]

SEC. 103.16. *Seats for females; penalty.*—Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wisconsin shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed. Any person or corporation who shall violate the provisions of this section shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each and every offense.

SEC. 103.17. *Mutual forfeit.*—Any person or corporation engaged in manufacturing, which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by them, a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges, without similar notice, a person in such employ except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory or in the department thereof wherein such employee is engaged.

SEC. 103.18. *Protection as voters.*—No person shall, by threatening to discharge a person from his employment or threatening to reduce the wages of

a person or by promising to give employment at higher wages to a person, attempt to influence a qualified voter to give or withhold his vote at an election.

SEC. 103.19. *Children in shows.*—No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health.

SEC. 103.20. *Penalty.*—Any person who shall violate any of the provisions of sections 103.17, 103.18 and 103.19 shall, upon conviction, be fined in a sum not exceeding one hundred dollars.

SEC. 103.21. *Street trade.*—The term "street trade," as used in sections 103.21 to 103.37, inclusive, shall mean any business or occupation of distributing, soliciting, selling, displaying or offering for sale of any articles, goods or merchandise, handbills, circulars, newspapers, magazines, or periodicals, or employment as a bootblack, in any street, alley, court, square or other public place.

SEC. 103.22. *Age limit.*—No boy under the age of twelve years and no girl under the age of eighteen years shall in any city of the first class, work at any time or be employed or permitted to work at any time in any street trade as defined in section 103.21.

SEC. 103.23. *Same.*—No boy under fourteen years of age, shall, in any city of the first class, work at any time, or be employed or permitted to work at any time, at any street trade, excepting the distribution and sale of newspapers, magazines or periodicals as hereinafter provided.

SEC. 103.24. *Permit and badge.*—No boy under seventeen years of age shall, in any city of the first class, distribute, sell, or expose or offer for sale any newspapers, magazines or periodicals in any street or public place or work as a bootblack, or in any other street or public trade, or sell or offer for sale or distribute any handbills or other articles, unless he complies with all the legal requirements concerning school attendance, and unless a permit and badge, as hereinafter provided, shall have been issued to him by the board of education where he resides. No such permit and badge shall be issued until the officer issuing the same shall have received an application in writing therefor, signed by the parent or guardian or other person having the custody of the child, desiring such permit and badge, and until such officer shall have received, examined and placed on file the written statement of the principal or chief executive officer of the public, private or parochial school, which the said child is attending, stating that such child is an attendant at such school with the grade such child shall have attained: *And provided*, That no such permit and badge shall be issued, unless such officer issuing it is satisfied that such child is mentally and physically able to do such work besides his regular school work as required by law.

SEC. 103.25. *Application; revocation.*—Before any such permit is issued, the board of education shall demand and be furnished with proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate, or, in case such certificate cannot be secured, by the record of age stated in the first school enrollment of such child. Whenever it appears that a permit was obtained by wrong or false statements as to any child's age, the officer who granted such permit, shall forthwith revoke the same. After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge. The principal or chief executive officer of schools, in which children under seventeen years of age are pupils, shall keep a complete list of all children in their school to whom a permit and badge has been issued, as provided in sections 103.21 to 103.36, inclusive.

SEC. 103.26. *Form and contents of permit and badge.*—Such permit shall state the place and date of birth of the child, the name and address of its parents, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit shall be signed in the presence of the officer issuing the same by the child in whose name it is issued: *Provided*, That in case of car-

rier boys working on salary for newspaper publishers delivering papers, a card of identification shall be issued to such carriers by the board of education which they shall carry on their person, and exhibit to any officer authorized under sections 103.21 to 103.33, inclusive, who may accost them for a disclosure of their right to serve as such carriers: *And provided further*, That in case of the illness or absence of any boy who shall belong to the regular delivery or distributing force of any newspaper at the time when such delivery or distribution of newspapers is to be made, if there shall be no other boy who has a permit and badge as provided herein, ready to make the delivery and distribution, such delivery and distribution may be made for a period which shall not exceed seven days, by any other boy over the age of twelve years, who shall have complied with all the other requirements of sections 103.21 to 103.33, inclusive, except the requirement of a permit and badge; in such cases, a written certificate, stating the facts, on blank form furnished by the board of education, signed by the circulation or business manager of such newspaper or its authorized representative shall be issued to such boy for a period not to exceed seven days. Copies of all such certificates shall be furnished the board of education within twenty-four hours after issue.

SEC. 103.27. *Badge to be worn; nontransferable.*—The badge provided for herein shall be such as the board of education shall designate, and shall be worn conspicuously in sight at all times in such position as may be designated by the said board of education by such child while so working. No child, to whom such permit and badge or identification card are issued, shall transfer the same to any other person. No badge shall be issued, except on deposit of a fee of twenty-five cents. Such fee shall be refunded upon return of the badge within one year from the expiration of the permit. All fees remaining after the expiration of such year are hereby appropriated to the board of education, with whom they have been deposited, to apply upon any expenditures incurred in the administration of sections 103.21 to 103.33.

SEC. 103.28. *Hours of employment.*—No boy under seventeen years of age shall, in any city of the first class, sell, expose, or offer for sale any newspapers, magazines, or periodicals after the hour of seven-thirty o'clock in the evening or before five o'clock in the morning; and no child under seventeen years of age shall distribute, sell, expose, or offer for sale any newspapers, magazines, or periodicals or shall work as a bootblack or in any street or public trades, or distribute handbills or shall be employed or permitted to work in the distribution or sale or exposing or offering for sale of any newspapers, magazines, or periodicals or as a bootblack or in other street or public trades or in the distribution of handbills during the hours when the public schools of the city where such child shall reside are in session: *Provided*, That any boy between the ages of fourteen and seventeen years, who is complying and shall continue to comply with all the legal requirements concerning school attendance, and who is mentally and physically able to do such delivery besides his regular school work, shall be authorized to deliver newspapers between the hours of four and six in the morning.

SEC. 103.29. *Enforcement.*—The board of education or any person acting under its direction shall enforce the provisions of sections 103.21 to 103.33, inclusive, and said board is hereby vested with all powers requisite therefor. The said board is hereby authorized to use any funds provided for by section 43.50 of the statutes in the administration of this act.

SEC. 103.30. *Revocation.*—The permit of any child, who in any city of the first class distributes, sells, or offers for sale any newspapers, magazines, or periodicals in any street or public place, or works as a bootblack, or in any other street trade, or sells or offers for sale or distributes any handbills or other articles in violation of the provisions of sections 103.21 to 103.33, inclusive, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, shall forthwith be revoked for a period of six months, and his badge taken from said child. The refusal of any child to surrender such permit, and the distribution, sale, or offering for sale of newspapers, magazines, or periodicals or any goods or merchandise, or the working by such child as a bootblack, or in any other street or public trade, or in distributing handbills or other articles, after notice by any officer authorized to grant permits under this law of the revocation of such permit and a demand for the return of the badge, shall be deemed a violation of sections 103.21 to 103.33, inclusive. The permit of said child may also be revoked by the officer who issued such permit, and the badge taken from

such child, upon the complaint of any police officer or other attendance officer or probation officer of a juvenile court, and such child shall surrender his permit and badge upon the demand of any police officer, truancy or other attendance officer or probation officer of a juvenile court or other officer charged with the duty of enforcing sections 103.21 to 103.33, inclusive. In case of a second violation of sections 103.21 to 103.33, inclusive, by any child, he shall be brought before the juvenile court, if there shall be any juvenile court in the city where such child resides, or, if not, before any court or magistrate having jurisdiction of offenses committed by minors and be dealt with according to law. The permit of a minor who changes his residence subsequent to its issuance may be revoked in like manner by the officers of the permit district to which he removes.

SEC. 103.31. *Employment of minors in street trade.*—The employment of any minor of the age of twelve years or more, pursuant to the provisions of sections 103.21 to 103.33, inclusive, in a "street trade," shall have the same warrant as if his employment was under the permit provided by section 103.05, and such permit shall, within the trade for which it was issued, afford like protection to an employer as would a permit issued pursuant to section 103.05. The permit shall authorize such minor to engage in the specified trade anywhere within the State.

SEC. 103.32. *Penalty.*—Any parent or other person who employs a minor under the age of seventeen years in peddling without a license, or who, having the care or custody of such minor, suffers or permits the child to engage in such employment, or to violate sections 103.21 to 103.33, inclusive, shall be punished by a fine not to exceed fifty dollars nor less than ten dollars, or by commitment to the county jail for not more than thirty days or less than ten days.

SEC. 103.33. *Certificate of school attendance; newspapers allowing boys to loiter.*—No badge shall be issued for a boy selling papers between the ages of twelve and seventeen years except upon certificate of the principal of either public, parochial, or other private school attended by said boy, stating and setting forth that said boy is a regular attendant upon said school. In any city or other permit district in which compulsory school attendance ends at the age of sixteen years the educational requirements contained in sections 103.21 to 103.33, inclusive, shall not apply to children over sixteen years of age. No boy under the age of seventeen years shall be permitted by any newspaper publisher or printer or persons having for sale newspapers or periodicals of any character, to loiter or remain around any salesroom, assembly room, circulation room, or office for the sale of newspapers between the hours of nine in the forenoon and three in the afternoon on days when school is in session. Any newspaper publisher, printer, circulation agent, or seller of newspapers shall upon conviction for permitting newsboys to loiter or hang around any assembly room, circulation room, salesroom, or office where papers are distributed or sold, shall be punished by a fine not to exceed one hundred dollars nor less than twenty-five dollars, or by commitment to the county jail for not more than sixty days or less than ten days.

SEC. 103.34. *Regulation of employment; classification.*—Except as to cities of the first class, the industrial commission is charged with general supervision of minors engaged in a "street trade," as the term is defined in section 103.21 to the end that such minors be not required, suffered, or permitted to work at or engage in a street trade under conditions or during hours which are dangerous or prejudicial to their life, health, safety, or welfare. For such purpose it is made the duty of the industrial commission, and it shall have power, jurisdiction, and authority to investigate, ascertain, determine, and classify street trades and to issue general or special orders prohibiting the employment or engagement of minors in a street trade dangerous or prejudicial to the life, health, safety, or welfare of such minor, and, by like orders, to fix the terms and conditions of permits to such minors and provide for their issuance by the board of education or school board of the city, village, or town in which such minor resides, for the revocation of permits, and for such other regulations as may be reasonably necessary to carry out the purpose and intent hereof: *Provided, however,* That no boy under the age of twelve years and no girl under the age of eighteen years shall at any time be permitted to engage in a street trade.

SEC. 103.35. *Effect of classification and orders.*—Such investigations, classifications, and orders shall have the same force and effect as orders issued

pursuant to sections 101.01 to 101.28, inclusive, and any action, proceeding, or suit to set aside, vacate, or amend any such order of the commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding authorized in sections 101.01 to 101.28, inclusive.

SEC. 103.36. *Ad interim effect of child labor laws.*—Until such time as the industrial commission shall investigate, ascertain, determine, and classify street trades for districts other than cities of the first class, as provided in section 103.34, and by order designate those trades, and the conditions and hours therein, at which a minor shall not be permitted to engage, any engagement or employment of a minor in a street trade in any such district contrary to the limitations provided in sections 103.21 to 103.33, inclusive, shall be deemed prejudicial to the life, health, safety, and welfare of such minor. Except as the industrial commission may provide ways and means in conflict with the administrative procedure provided in sections 103.21 to 103.33, inclusive, the provisions of said sections shall be effective, in so far as applicable, in all other cities and in the villages and towns of this State.

SEC. 103.38. *Eight hours a day's work, when.*—In all engagements to labor in any manufacturing or mechanical business, where there is no express contract to the contrary, a day's work shall consist of eight hours and all engagements or contracts for labor in such cases shall be so construed; but this shall not apply to any contract for labor by the week, month, or year.

SEC. 103.39. *Payment of wages.*—(1) Every corporation organized for pecuniary profit engaged in any enterprise or business within the State of Wisconsin, excepting corporations owning or operating hospitals and sanatoriums for the care of sick or insane persons, shall as often as on the fifteenth and on the last day of each month pay to every employee engaged in its business, except to those employees engaged in lumbering and logging operations, all wages or salaries earned by such employee to a day not more than sixteen days prior to the date of such payment. Any employee who is absent at the time fixed for payment or who for any other reason is not paid at that time shall be paid thereafter at any time upon six days' demand and any employee leaving his or her employment or discharged therefrom shall be paid in full following his or her employment at any time upon three days' demand. No corporation coming within the meaning of this act shall by special contract with employees or by any other means secure exemption from the provisions of this act and each and every employee of any corporation coming within the meaning of this act shall have his or her right of action against any such corporation for the full amount of his or her wages due on each regular pay day as herein provided, in any court of competent jurisdiction. Whenever such regular payments cover wages earned to a date more than eight days prior to the day of payment in the event the day fixed for the semimonthly payment falls on Sunday or a holiday, payment shall be made on the previous business day. Any corporation owning or operating any hospital or sanatorium for the care of sick or insane persons shall give the same number of days' notice of its intention to discharge any employee as it requires such employee to give before being permitted to quit its service, unless such employee is discharged because of a serious infraction of a rule.

(2) Any corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each separate offense and each and every failure or refusal to pay each employee the amount of wages due him or her at the time, or under the conditions required in this statute shall constitute a separate offense.

SEC. 103.41. *Hours of labor on public works.*—(1) Each and every contract hereafter made for the erection, construction, remodeling, or repairing of any public building or works, except contracts for the construction or maintenance of public highways and bridges, to which the State or any officer or agent thereof is a party, which may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, subcontractor, agent, or other person, doing or contracting to do all or a part of the work contemplated by the contract, shall be permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergencies.

(2) The phrase "extraordinary emergencies," as used in this section, shall mean and include only such as grow out of the necessity of protecting property or human life when endangered by reason of an attack by the public enemy or endangered from fire, flood, or storm.

(3) This section shall apply only to such work as is actually performed on the premises on which such buildings or works are being erected, constructed, remodeled or repaired.

SEC. 103.42. *Violations.*—[Penalty for violation is a fine, not exceeding $200, or imprisonment not more than 6 months, or both.]

SEC. 103.43. *Fraudulent advertising.*—(1) It shall be unlawful to influence, induce, persuade or attempt to influence, induce, persuade, or engage workmen to change from one place of employment to another in this State or to accept employment in this State or to bring workmen of any class or calling into this State to work in any department of labor in this State, through or by means of any false or deceptive representations, false advertising, or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or failure to state in any advertisement, proposal, or contract for the employment that there is a strike or lockout at the place of the proposed employment, when in fact such strike or lockout then actually exists in such employment at such place. Any of such unlawful acts shall be deemed a false advertisement, or misrepresentation for the purpose of this section.

(2) Any person, who by himself, his servant, or agent, or as the servant or agent of any other person, or as an officer, director, servant, or agent of any firm, corporation, association, or organization of any kind, shall violate any of the provisions of subsection (1) of this section shall upon conviction thereof be punished by a fine of not more than two thousand dollars or by imprisonment in the county jail not more than one year or by both such fine and imprisonment.

(3) Any person who shall be influenced, induced, or persuaded to engage with any persons mentioned in subsection (1) of this section, through or by means of any of the things therein prohibited, shall have a right of action for recovery of all damages that he shall have sustained in consequence of the false or deceptive representation, false advertising or false pretenses used to induce him to change his place of employment or to accept such employment, against any person or persons, corporations or companies or associations, directly or indirectly, causing such damage; and in addition to all such actual damages such workman may have sustained, shall be entitled to recover such reasonable attorney fees as the court shall fix, to be taxed as costs in any judgment recovered.

SEC. 103.44. *Sweatshops; permits.*—No owner or lessee of any factory, nor any manager, employee, or agent of such owner or lessee, and no contractor doing work for any factory, shall contract with any person to manufacture, alter, repair, or finish any articles in any tenement or dwelling house, or in any shed or other building situated in the rear of any tenement or dwelling house, unless there has been secured a permit from the industrial commission authorizing such factory or contractor to engage in home work manufacture. Such permits shall be conditioned upon compliance with sections 103.05 to 103.15, inclusive, sections 104.01 to 104.12, inclusive, and section 146.03 of the statutes, and upon furnishing to the industrial commission any information which it may require to determine whether these provisions of the statutes are complied with in such home work manufacture. Failure to faithfully observe these conditions shall be cause for the revocation of such permits. So far as not inconsistent with the provisions of this section the provisions of sections 101.01 to 101.28, inclusive, of the statutes, are made a part hereof, and the penalties therein shall be applied to and be imposed for any violations of this section.

SEC. 103.45. *Time checks.*—All corporations or individuals paying wages in time checks or other paper than legal money shall make such time checks or paper payable in some designated place of business in the county in which the work was performed or at the office of such corporation or individual if within the State of Wisconsin, or at any bank within said State. Any corporation or individual failing to comply with the terms of the above section shall upon conviction thereof be fined not to exceed one hundred dollars nor less than ten dollars.

Minimum wage

SECTION 104.01. *Definitions.*—The following terms as used in sections 104.01 to 104.12, inclusive, shall be construed as follows:

(1) The term "employer" shall mean and include every person, firm, or corporation, agent, manager, representative, contractor, subcontractor, or principal, or other person having control or direction of any person employed at any labor or responsible directly or indirectly for the wages of another.

(2) The term "employee" shall mean and include every person who is in receipt of or is entitled to any compensation for labor performed for any employer.

(3) The term "wage" and the term "wages" shall each mean any compensation for labor measured by time, piece, or otherwise.

(4) The term "welfare" shall mean and include reasonable comfort, reasonable physical well-being, decency, and moral well-being.

(5) The term "living wage" shall mean compensation for labor paid, whether by time, piecework, or otherwise, sufficient to enable the employee receiving it to maintain himself or herself under conditions consistent with his or her welfare.

SEC. 104.02. *Living wage.*—Every wage paid or agreed to be paid by any employer to any female or minor employee, except as otherwise provided in section 104.07, shall be not less than a living wage.

SEC. 104.03. *Violation.*—Any employer paying, offering to pay, or agreeing to pay to any female or minor employee a wage lower or less in value than a living wage shall be deemed guilty of a violation of sections 104.01 to 104.12, inclusive, of the statutes.

SEC. 104.01. *Classifications.*—It shall be the duty of the industrial commission, and it shall have power, jurisdiction, and authority to investigate, ascertain, determine, and fix such reasonable classifications and to issue general or special orders determining the living wage, and to carry out the purposes of sections 104.01 to 104.12, inclusive, of the statutes. Such investigations, classifications, and orders, and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 101.01 to 101.28, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 104.01 to 104.12, inclusive, of the statutes; and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28, inclusive, of the statutes, and the penalties therein shall apply to and be imposed for any violation of sections 104.01 to 104.12, inclusive, of the statutes.

SEC. 104.05. *Complaints: investigation.* After July 1, 1913, the industrial commission may, upon its own initiative, and after July 1, 1914, the industrial commission shall, within twenty days after the filing of a verified complaint of any person setting forth that the wages paid to any female or minor employee in any occupation are not sufficient to enable such employee to maintain himself or herself under conditions consistent with his or her welfare, investigate and determine whether there is reasonable cause to believe that the wage paid to any female or minor employee is not a living wage.

SEC. 104.06. *Advisory wage board.*—If, upon investigation, the commission finds that there is reasonable cause to believe that the wages paid to any female or minor employee are not a living wage, it shall appoint an advisory wage board, selected so as fairly to represent employers, employees and the public, to assist in its investigations and determinations. The living-wage so determined upon shall be the living-wage for all female or minor employees, within the same class as established by the classification of the commission.

SEC. 104.07. *Special licenses.* The industrial commission shall make rules and regulations whereby any female or minor unable to earn the living wage theretofore determined upon, shall be granted a license to work for a wage which shall be commensurate with his or her ability. Each license so granted shall establish a wage for the licensee, and no licensee shall be employed at a wage less than the rate so established.

SEC. 104.08. *Apprentices.* (1) All minors working in an occupation for which a living-wage has been established for minors, and who shall have no trade, shall, if employed in an occupation which is a trade industry, be indentured under the provisions of section 106.01.

(2) A "trade" or a "trade industry" within the meaning of this act shall be a trade or an industry involving physical labor and characterized by mechanical skill and training such as render a period of instruction reasonably necessary. The industrial commission shall investigate, determine and declare what occupations and industries are included within the phrase a "trade" or a "trade industry."

(3) The industrial commission may make exceptions to the operation of subsections (1) and (2) of this section where conditions make their application unreasonable.

SEC. 104.09. *Registration; records.*—Every employer employing three or more females or minors shall register with the industrial commission, on blanks to be supplied by the commission. In filling out the blank he shall state separately the number of females and the number of minors employed by him, their age, sex, wages and the nature of the work at which they are employed, and shall give such other information relative to the work performed and the wages received as the industrial commission requires. Each employer shall also keep a record of the names and addresses of all women and minors employed by him, the hours of employment and wages of each, and such other records as the industrial commission requires.

SEC. 104.10. *Intimidating witness.*—Any employer who discharges or threatens to discharge, or in any way discriminates, or threatens to discriminate against any employee because the employee has testified or is about to testify, or because the employer believes that the employee may testify, in any investigation or proceeding relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of twenty-five dollars for each offense.

SEC. 104.11. *Violation.*—Each day during which any employer shall employ a person for whom a living-wage has been fixed at a wage less than the living-wage fixed shall constitute a separate and distinct violation of sections 104.01 to 104.12, inclusive, of the statutes.

SEC. 104.12. *Complaints.*—Any person may register with the industrial commission a complaint that the wages paid to an employee for whom a living wage has been established, are less than that rate, and the industrial commission shall investigate the matter and take all proceedings necessary to enforce the payment of a wage not less than the living wage.

Conciliation of labor disputes

SECTION 104.13. *Board of conciliation; conditions of labor; review.*—(1) A board of conciliation is hereby created to consist of three members, one of whom shall be a skilled employee, but not having employing or discharging power, one of whom shall be an employer of labor and one of whom shall have a general knowledge of manufacturing and labor conditions. Immediately after the passage of this act, the governor, by and with the advice and consent of the senate, shall appoint such members, but no member so appointed shall act until so confirmed. The term of the first such appointee shall terminate on the first Monday of February, 1920; the term of the second such appointee shall terminate on the first Monday of February, 1921; and the term of the third such appointee shall terminate on the first Monday in February, 1922. In January, 1920, and annually thereafter, there shall be appointed and confirmed in the same manner, one member for the term of three years from the first Monday in February in such year. Each member shall hold his office until his successor is appointed and qualified.

(2) Whenever any dispute shall arise between an employer of more than twenty-five persons in a common employment, and his employees, over the wages of employees, such employer, or any number of such employees more than one-half, working in a common employment, may request the board of conciliation to investigate and report as to what is a fair, equitable, and just wage for such employees under all the circumstances surrounding both such employer and his employees. The board may, upon receiving such request, investigate and report as to what, in their opinion, is a fair, equitable, and just wage under all the circumstances and conditions surrounding both such employer and his employees. In the event such dispute shall arise between any public service corporation and its employees of any class, division or grade, and said board of conciliation shall investigate and report thereon as herein provided, and determine the wages, hours of labor, or working conditions to which such employees are reasonably entitled, such determination shall be immediately submitted to the railroad commission of Wisconsin, which railroad commission shall without delay further investigate the said matter and make and file its determination therein, confirming or modifying the report of said board within forty-five days after receiving the same. If the earnings of such public service business in which such employees are engaged are found to be sufficient to meet

the cost of making the determination of the said commission effective without depriving said corporation of a fair return from the capital employed in such business, as determined by the railroad commission, said railroad commission shall order such public service corporation to make effective the wages, hours of labor, and working conditions so determined by it to be fair, equitable, and just, otherwise the commission shall provide for such a revision of the rates, tariffs and charges of such public service business as will enable it to meet such cost and yield a fair rate of return upon the capital employed therein, as determined by the railroad commission, which order of the railroad commission shall be subject to review in the manner now provided by law for the review of orders relating to the rates and service of the public service business affected by the order sought to be reviewed.

(3) The board may employ such experts as shall be necessary to assist them in making investigations under this act and such clerks and stenographers as may be necessary to perform the clerical work of the board.

(4) For the purpose of making such investigation and report, the board may issue subpœnas, compel the attendance of witnesses and the production of books, records, papers, and documents. In case of failure of any person to comply with any order of the board or any subpœna lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be interrogated, it shall be the duty of the circuit court of any county or the judge thereof, on the application of a member of the board, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of subpœna issued in such court or a refusal to testify therein.

(5) The board, or any member thereof, or any person employed by the board for that purpose, shall, upon demand, have the right to inspect the books, records, and papers of any employer who is under investigation by the board and to examine under oath any officer, agent, or employee of such employer: *Provided*, That any person other than a member of the board who shall make such demand or conduct such examination shall first produce his authority therefor, signed by the board or a majority thereof.

(6) No person shall be excused from testifying or from producing any books, records, papers or documents before the board on the ground or for the reason that such testimony, books, records, papers or documents may tend to incriminate him or subject him to a penalty or forfeiture, but no person having so testified or produced such books, records, papers or documents, shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced books, records, papers or documents, provided that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying. Any person who shall willfully interfere with the board or any of its employees in conducting any examination or who shall willfully testify fasely to any matter or thing material to the investigation, or who shall, after a proper demand has been made therefor, fail or willfully refuse to produce any book, record, paper or document which is in his possession or under his control, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars for each offense.

(7) Whenever the board shall have made and compelled an investigation under the provision of this act, it shall make and file its written report thereon as soon as practicable, which report shall be open to the public and the board shall, immediately upon making and filing such report, furnish a certified copy thereof to the employer so investigated and a like certified copy thereof to his employees.

Private employment offices

Section 105.01. *Scope.*—[The statute covers all agencies for procuring or furnishing employment, whether as a business or incidentally, except employers hiring for themselves alone and employees of such employers.]

Secs. 105.02–105.04. *False statements, etc.*—[Making any statement known to be false as to the nature, conditions, duration, etc., of employment or of the agent's ability to furnish employment is forbidden, and agents must assure themselves beyond a reasonable doubt as to the truth of the material facts in the representations made. The splitting of fees is forbidden.]

Secs. 105.05–105.07. *License; bond.*—[A license is required for the conduct of any agency for which an annual fee of $50 is charged in cities of 30,000 inhabitants or over if only female help is supplied, other agencies pay $100 per annum.

In smaller cities and towns the fees are $10 and $25, respectively. A penal bond in the sum of $1,000 is also required, conditioned on an observance of the provisions of this law.]

Secs. 105.08–105.10. *Inspection, etc.*—[The industrial commission is charged with the enforcement of this law and may visit any agency and inspect its records or call for information on blanks furnished by it.]

Sec. 105.11. *Fees.*—[A schedule of fees or charges to be made by any agency must be furnished the commission, and no license will be issued unless such charges are reasonable. Changes may be made only with the approval of the commission; no registration fee may be charged without its permission.]

Sec. 105.12. *Bureaus for women.*—[Agencies for women must furnish application cards on which are entered particulars as to the employment to be furnished. No female may be sent to a house of immoral resort or bad repute known to be such or of which knowledge could be obtained by reasonable effort. A record must be kept of persons placed in service and the facts as to their applications.]

Sec. 105.13. *Refusing or revoking license.*—[The commission may refuse license to persons found by investigation to be of unfit character or seeking to conduct an agency in an unfit place, and licenses may be revoked on failure to comply with the law or regulations thereunder. Licenses may also be withheld if it appears that the community is adequately served by free public agencies.]

Secs. 105.14, 105.15. *Regulations; reports, etc.*—[The commission may make rules, prescribe records, call for reports, and safeguard the public or persons seeking employment against fraud, misrepresentation, etc.]

Sec. 105.16. *Farm labor.*—Clerks of municipalities in which no licensed agency exists shall receive applications for employment as farm laborers, reporting placements monthly to the industrial commission. Employers are to pay 25 cents for each time assisted in securing such labor.]

Factory regulations—Cigar factories

Section 110.01. *No basements.*—No shop or place wherein cigars are manufactured shall be located below the ground floor.

Sec. 110.02. *Floor space.*—Each employee in any shop or place wherein cigars are manufactured shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling.

Sec. 110.03. *Air space.*—Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent of the floor space of such room.

Sec. 110.04. *Ventilation.*—Every room in which cigars are manufactured while work is carried on shall be so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall wherever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust, and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours.

Sec. 110.05. *Sanitation.*—Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week, and one cuspidor provided for every two employees.

Sec. 110.06. *Closets.*—Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes.

Secs. 110.07, 110.08. *Violations; enforcement.*—[Penalty for violations is a fine, $10 to $25 for a first and $25 to $50 for subsequent offenses. Enforcement rests with the factory inspector, but no penalty will be enforced as to secs. 110.02–110.04 until after notice of at least four weeks and continued noncompliance.]

Wages preferred—In assignments

Section 128.02. *Preferences.*—[All preferences in cases of voluntary assignments, except for wages of laborers, servants, and employees earned within the preceding six months, are void as to the preference, but valid for all other purposes.]

SEC. 128.16. *Payment.*—[Before paying any dividends to creditors generally the assignee shall pay wages earned by laborers, servants, and employees within the six months preceding the assignment, after paying unpaid taxes and assessments, debts due the United States or the State, and the expenses of the assignment.]

Labor organizations—Injunctions—Collective agreements

SECTION 133.05. *Exemptions.*—Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws. The labor of a human being is not a commodity or article of commerce.

SEC. 133.07. *Organization permitted; injunctions.*—(1) Working people may organize themselves into or carry on labor unions and other associations or organizations for the purpose of aiding their members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character; the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

(2) No restraining order or injunction shall be granted by any court of this State, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of any dispute whatsoever concerning employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant, or by his agent or attorney. No such restraining order or injunction shall be granted except by the circuit court or by a court of concurrent jurisdiction in equity, and then only upon such reasonable notice of application therefor as a presiding judge of such court may direct by order to show cause, but in no case less than forty-eight hours, which shall be served upon such party or parties sought to be restrained or enjoined as shall be specified in such order to show cause.

(3) No such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any laws of this State.

(4) Whenever in any matter relating to the violation of any such restraining order or injunction an issue of fact shall arise, such issue shall be tried by a jury, in the same manner as provided for the trial of other cases.

SEC. 133.08. *Collective bargaining.*—Sections 133.01, 133.04, 133.21 and 226.07 [relating to combinations, trusts, etc.] shall be so construed as to permit collective bargaining by associations of producers of agricultural products and by associations of employees when such bargaining is actually and expressly done for the individual benefit of the separate members of each such association making such collective bargaining.

Factory, etc., regulations—Sweatshops

SECTION 146.03. *Home manufacturing.*—(1) Under this section "manufacturer" shall mean the owner or lessee of any factory or contractor for such owner or lessee, "manufactured" shall mean manufactured, altered, repaired, or finished, and "home" shall mean any tenement or dwelling, or a shed or other building in the rear thereof.

(2) No articles shall be manufactured for a manufacturer in a home unless he shall have secured a license from the local health officer, which shall designate the room, apartment, or building and name the persons to be employed. License shall be granted only upon payment of a fee of one dollar, and when the health officer shall have satisfied himself through inspection that the place is clean and fit for the purpose and that none of the persons employed or living therein are afflicted with any communicable disease likely to be transmitted to consumers. The license shall be issued for one year. At least one reinspection shall be made during the year, and the license revoked if reinspection discloses improper conditions. The license shall be kept on file in the principal office of the licensee.

(3) The State board of health and the industrial commission may jointly adopt and enforce rules and regulations for local health officers hereunder, and may prohibit home work upon specified articles when necessary to protect health of consumers or workers. Subsections (3), (4), and (5) of section 140.05 shall apply.

(4) Every manufacturer giving out articles or materials to be manufactured in any home shall issue therewith a label bearing the name or place of business of the factory, written or printed legibly in English, and shall keep a register of the names and addresses of the persons to whom given, and with whom contracts to do so were made, the quantities given out and completed and the wages paid. This register may be inspected by the State health officer, a deputy State health officer, the local health officer, or a deputy of the industrial commission.

(5) Anyone who shall for himself or as manager or agent give out materials to be manufactured, in a home, for an unlicensed manufacturer or who shall employ, or contract with anyone to do such work without such license shall forfeit to the State not less than ten nor more than one hundred dollars for each offense.

Factory, etc., regulations—Spitting

SECTION 146.08. *Cuspidors.*—[Spitting on the floor of any factory is forbidden. Notice to that effect must be posted, and adequate cuspidors must be supplied and provisions made for their cleaning daily.]

Safety appliances—Corn huskers and shredders—Wood saws

SECTION 167.12. *Safety appliances.*—Any person, firm, or corporation who shall sell, offer, or expose for sale, or use any machine to be operated by steam, or other power, for the purpose of husking or shredding corn or corn stalks shall provide such machines with safety or automatic feeding devices for the protection from accident by the snapping rollers, husking rollers, and shredding knives of any person using or operating such machine in the discharge of his duty, and such machine shall be so guarded that the person feeding said machine shall be compelled to stand at a safe distance from the snapping rollers; and any person, firm, or corporation operating such machine shall maintain thereon such safety or automatic feeding devices. The duty to equip such machine with safety or automatic feeding devices, as well as the duty to maintain the same, shall be absolute; and the exercise of ordinary care on the part of such person, firm, or corporation operating such machine shall not be deemed a compliance with such duty; and in case any person in the employ of such person, firm, or corporation operating such machine continues in such employment when such device has not been installed and maintained, as above provided, such employee shall not be deemed guilty of a want of ordinary care, on account of so continuing in such employment.

SEC. 167.13. *Operation.*—No person, firm, or corporation shall use, operate, or permit to be used or operated any such machine purchased prior to June 12, 1909, unless during all the time such machine shall be used and operated it shall be in charge of a competent person whose sole duty shall be to oversee and attend to the operation and use of the same; nor use, operate, or permit to be

used or operated any such machine whatever while the safety devices or guards are detached.

SEC. 167.14. *Sale regulated.*—No such machine shall be sold or offered or exposed for sale unless the said machine shall have plainly marked upon it the name and location of the person, firm, or corporation manufacturing the same.

SEC. 167.15. *Enforcement.*—It shall be the duty of the industrial commission to enforce the provisions of sections 167.12 to 167.15, inclusive: *Provided*, That nothing therein contained shall be construed to authorize such industrial commission to select or compel the adoption of any particular or special safety device, and that the question of the reasonable safety of any such device used by any manufacturer shall be subject to judicial determination.

SEC. 167.16. *Wood sawing machines.*—No person, firm, or corporation shall offer or expose for sale any machine for the purpose of sawing wood unless the said machine shall be provided with reasonable safety devices for the protection from accidents from saws, gears, knuckles, belts, set screws, or other dangerous parts.

SEC. 167.17. *Use without guards.*—It shall be unlawful for any person, firm, or corporation owning such machine to use, operate, or permit to be used or operated any such machine while the safety devices or guards are detached.

SEC. 167.18. *Penalty.*—Any such person, firm, or corporation who shall violate any of the provisions of sections 167.16 to 167.19, inclusive, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

SEC. 167.19. *Complaint.*—Upon complaint to the industrial commission it shall be its duty to enforce the provisions of sections 167.16 to 167.19, inclusive.

Factory, etc., regulations—Dyeing and cleaning establishments

SECTION 167.21. *Regulations.*—

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(5) It shall be the duty of every person, firm, or corporation owning, managing, controlling, or maintaining any such cleaning or dyeing establishment or business in this State to conduct, operate, and maintain the same in the manner provided by law with a strict regard for protection against fire hazards and protection of the health and safety of its employees and the general public, in accordance with all lawful rules and regulations prescribed from time to time by the industrial commission in whom full power for such purposes is hereby vested. It shall be unlawful for any person, firm, or corporation owning, managing, controlling, or maintaining any such cleaning or dyeing establishment or business to advertise, conduct, operate, or maintain the same in violation of the provisions of this section, or in violation of any lawful rule, regulation, or order made or adopted by the industrial commission as herein provided.

Railroads—Height of wires over tracks

SECTION 180.23. *Regulation.*—[The size and spacing of poles, modes of guying, tying wires, and bracing cross arms are prescribed. Wires must not be less than 25 feet above the track except trolley wires, which must be not less than 22 feet.]

Wages preferred—In receiverships of railroads

SECTION 192.04. *Rank.*—[A receiver of a railroad corporation must report the amount due laborers and employees, and wages earned within six months prior to the appointment of the receiver shall be paid next after current operating expenses.]

Railroads—Safety provisions—Telegraph operators

SECTION 192.28. *Frogs to be guarded.*—Every railroad corporation shall erect and maintain sufficient guards or blocks at the front and rear of every frog in its track. If any such corporation, its officers, agents, or servants shall violate or fail to comply with any of the provisions of this section or fail to sufficiently guard such frogs, it shall, for each and every such violation or failure, forfeit not less than fifty dollars nor more than five hundred dollars, one-half to the person prosecuting, and shall in addition be liable to the person

injured for all damages sustained thereby, whether such person shall be a servant or agent of such corporation or not, and notwithstanding such violation or failure shall arise or occur through the negligence of some other agent or servant thereof.

This section does not do away with the defense of contributory negligence. 80 Wis. 299.

SEC. 192.31. *Erection of telltales compelled.*—[Whenever there is any obstruction of a height of less than seven feet above the roof of any freight car, telltales must be made and placed at or near such obstruction.]

SEC. 192.32. *Construction.*—[This section gives specifications for the erection of telltales.]

SEC. 192.33. *Violations.*—[Failure to comply with this act for the space of 60 days entails a fine, $50 to $100, and the same penalty is incurred for every 20 days' delay thereafter.]

SEC. 192.34. *Report.*—[A railroad or other company operating a railroad shall report to the railroad commission each year, showing location of all obstructions of a height of less than seven feet above the roof of any freight car and give a statement that the law has been complied with.]

SEC. 192.35. *Risk not assumed.*—An employee of a railroad corporation who is injured by or because of the existence of any bridge, viaduct, or other obstruction over, above, or across any of the tracks of said railroad at a height less than that provided in sections 192.31 to 192.35, inclusive, which has not been protected by the erection of telltales, as provided in sections 192.31 to 192.35, inclusive, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded bridge, viaduct, or other obstruction has been brought to his knowledge.

SEC. 192.36. *Railroad telegraph operators.*—(1) It shall be unlawful for any common carrier by railroad, carrying freight or passengers between points within this State, to employ any telegraph operator, except an assistant under an experienced operator, who shall not have attained the age of eighteen years and who shall not have had actual experience as a telegraph operator, or who shall not have had at least six months' actual experience under the tutorship of an experienced railroad telegraph operator, or who shall not have been graduated from a school of telegraphy having at least a six months' course.

(2) Any common carrier by railroad or any of its officers or agents who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars for each offense.

Liability of railroad companies for wage debts of predecessors

SECTION 192.53. *Construction work.*—[If a contractor owes any laborer on railway construction for not over 30 days' labor, such laborer may, within 30 days, serve notice on the company or its agent, which shall thereby become directly liable for such debt.]

SEC. 192.54. *Prior indebtedness.*—Whenever any railway corporation shall become the successor of a preexisting railway corporation which operated a railroad in this State and was indebted to its employees of whatever grade for services performed by them within six months prior to its disposal of its road such first-mentioned railway company shall be liable for the amount then due such employees.

Liability of railroad companies for injuries to employees

SECTION 192.55. *Personal injury liability.*—Every railroad company shall be liable for damages for all injuries whether resulting in death or not, sustained by any of its employees, subject to the provisions hereinafter contained regarding contributory negligence and assumption of risk on the part of the injured employee:

(1) When such injury is caused by a defect or insufficiency in any locomotive, engine, car, rail, track, roadbed, machinery, or appliance used by its employees in and about the business of their employment.

(2) When such injury shall have been sustained by any officer, agent, servant, or employee of such company, while engaged in the line of his duty as such and which such injury shall have been caused in whole or in greater part by the negligence of any other officer, agent, servant, or employee of such

company, in the discharge of, or by reason of the failure to discharge his duties as such.

(3) In all actions hereafter brought against such railroad company under or by virtue of any of the provisions of this section to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such railroad company of any statutes enacted for the safety of employees contributed to the injury or death of such employee: *Provided, further*, That in any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or death of, any of its employees such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statutes enacted for the safety of employees contributed to the injury or death of such employee.

(4) Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any railroad company to exempt itself from any liability created by this section shall to that extent be void: *Provided*, That in any action brought against any such railroad company under or by virtue of any of the provisions of this section such railroad company may set off therein any sum it has contributed or paid to any insurance, relief, benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

(5) In all cases under this section the question of negligence and contributory negligence shall be for the jury.

(6) No contract or receipt between any employee and a railroad company, no rule or regulation promulgated or adapted by such company, and no contract, rule, or regulation in regard to any notice to be given by such employee shall exempt such corporation from the full liability imposed by this section.

(7) The phrase "railroad company," as used in this section, shall be taken to embrace any company, association, corporation, or person managing, maintaining, operating, or in possession of a railroad in whole or in part within this State whether as owner, contractor, lessee, mortgagee, trustee, assignee, or receiver.

(8) In any action brought in the courts of this State by a resident thereof, or the representative of a deceased resident, to recover damages in accordance with this section, where the employee of any railroad company owning or operating a railroad extending into or through this State and into or through any other State or States shall have received his injuries in any other State where such railroad is owned or operated, and the contract of employment shall have been made in this State, it shall not be competent for such railroad company to plead or prove the decisions or statutes of the State where such person shall have been injured as a defense to the action brought in this State.

(9) The provisions of this section shall not apply to employees working in shops or offices.

Street railways—Vestibules—Safety appliances

SECTION 193.04. *Inclosures.*—[A suitable protection of iron or glass must be installed on winter cars, in use between November 1 and April 1, with the exception of trailers. Penalty, $50 to $100 fine for each day's violation.]

SEC. 193.20. *Safety devices.*—(1) Every person, partnership, or corporation owning or operating a street or interurban car line shall provide and equip each and every motor car weighing over forty thousand pounds net or empty weight, used for the transportation of passengers or freight, and added to the service from and after the passage of this act, with air brakes of modern design, to be approved by the railroad commission.

(2) Nothing herein contained shall limit or restrict the power of the railroad commission to order air brakes upon other cars.

(3) Any such corporation neglecting or refusing to comply with any of the foregoing provisions shall forfeit and pay a penalty to the State of not less than twenty-five dollars nor more than one hundred dollars, and each day's

operation of one or more cars in violation of this act shall be considered a separate offense.

SEC. 193.31. *Window cleaners.*—(1) Every corporation owning or operating a street or interurban car line in this State shall equip each of its motor driven cars with a suitable mechanical device designed for the removal of snow and water from a sufficient portion of the window in front of the motorman to afford an unobstructed view. Such device shall be attached to such window so as to permit its being used by the motorman without leaving his position while operating said car. Such mechanical device is to be of a design approved by the railroad commission.

(2) Any such corporation neglecting or refusing to comply with the provisions of this section shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Railroads—First aid—Accidents, etc.

SECTION 195.14. *Medical supplies on trains.*—(1) It shall be unlawful for any steam railroad company engaged in the transportation of passengers or freight of any kind whatsoever to run or attempt to run any passenger or freight train upon which passengers or employees may ride or travel that is not equipped with at least one medical emergency case which shall contain the following specified articles: Two gauze bandages and two triangular pieces of gauze eighteen inches wide, and one pound of absorbent cotton.

(2) Any such railroad company violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, and any person or employee of such railroad who shall remove or destroy or cause the removal or destruction of such articles after the railroad company has complied with the provisions of this act shall be subject to the same penalty as provided herein against the railroad company.

SEC. 195.37. *Reports.*—The [railroad] commission shall ascertain * * * the amounts paid for salaries to the officers of the road and the wages paid to its employees and the maximum hours of continuous service required of each class. * * *

SEC. 195.47. *Accidents, reports, etc.*—[Accidents resulting in injuries to persons, etc., must be reported to the commission, which may investigate the same if it deems that public interests require.]

Employers' liability insurance

SECTION 204.23. *Statement in policy.*—No casualty corporation issuing employers' liability policies shall condition the same upon compliance by the assured with "any law or ordinance respecting the safety of persons, but shall clearly and distinctly state what conditions and requirements are to be complied with by him.

Assignments of wages

SECTION 2313a. *Wife to sign.*—No assignment of the salary or wages of any married man, then or at the accruing thereof exempt by law from garnishment, shall be valid for any purpose unless such assignment shall be in writing signed by the wife, if she at the time be a member of his family, and unless her signature be witnessed by two disinterested witnesses; nor shall any such assignment be valid as to any such salary or wages to accrue more than two months after the date of the making of such assignment.

Wages preferred—In receiverships

SECTION 2787a. *General provision.*—[This section applies the same rate to receiverships generally as is fixed for railroads by sec. 192.04, above.]

Exemption of wages from execution

SECTION 2982. *Amount.*—[The earnings of a person having a family dependent upon him, and the earnings of a minor child or children contributing to the support of the family for the period of three months next preceding the writ, are exempt from attachment, etc., to the amount of $60 for each month, not exceeding $180 in all.]

Suits for wages—Execution

SECTION 3674. *Stay.*—[No stay is to be allowed in an execution on a judgment for manual labor performed by the party in whose favor the same was rendered.]

Garnishment of wages of public employees

SECTION 3716a. *Amount exempt.*—[Where wages or salary of an officer or employee of the State, a county, city, village, etc., are the subject of a judgment, the same are exempt to the same extent as salaries and wages exempt by law from garnishment.]

Suits for wages—Attorneys' fees

SECTION 3775. *Fee.*—[A justice of the peace may allow an attorney's fee of $5 on any recovery under $50, if the plaintiff appeared by an attorney of record, whether the defendant appeared or not.]

Wages preferred—In administration

SECTION 3852. *Bank.*—[Wages due workmen, clerks, or servants, earned within 3 months prior to death and not exceeding $300 to each claimant, are payable after expenses of the funeral and last sickness and debts having a preference under the laws of the United States.]

Safety appliances—Threshing machines

SECTION 4396. *Joints to be covered.*—Any person owning or running any threshing machine in this State so constructed that any joint, knuckle, or jack thereof is dangerously exposed, who shall neglect to cover or secure the same in some suitable manner so as to prevent injury to persons passing over or near the same shall be punished by fine not exceeding fifty dollars nor less than two dollars.

Exemption of wages—Unlawful assignment of claims

SECTION 4438f. *Sending claims out of State.*—[Anyone sending a claim for debt out of the State or assigns or transfers a claim for the purpose of having the same collected by depriving the debtor of his exemption rights when the parties are within the jurisdiction of the courts of the State shall be fined not less than $10 nor more than $50.]

Forging cards of labor organizations, etc.

SECTION 4464a. *Cards, etc.*—Any person who shall falsely make, alter, forge, or counterfeit any card or receipt of dues purporting to be given or issued by any association of railway employees, or by any of its officers to its members, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

SEC. 4464b. *Certificates of employers.*—Any person who shall falsely make, alter, forge, or counterfeit any letter or certificate purporting to be given by any corporation or person, or officer or agent of such corporation or person to an employee of such corporation or person at the time of such employee's leaving the service of such corporation or person, showing the capacity or capacities in which such employee was employed by such corporation or person, the date of leaving the service or the reason or cause of such leaving, with the intent to injure, deceive, or defraud, shall be punished as hereinafter provided.

SEC. 4464c. *Uttering or passing forgery.*—Any person who shall utter, publish, pass, or tender as true, or who shall have in his possession with intent to utter, publish, pass, or tender as true, any false, altered, forged, or counterfeited letter, certificate, card, or receipt, the forging, altering, or counterfeiting whereof is prohibited by either of the preceding sections of this act, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

SEC. 4464d. *Penalty.*—Any person violating any of the provisions of sections 4464a to 4464c, inclusive, shall, upon conviction thereof, be punished by imprisonment in the State's prison or county jail not more than one year or by fine not exceeding two hundred dollars.

Interference with employment—Blacklisting, etc.

SECTION 4466a. *Injury to business.*—Any two or more persons who shall combine, associate, agree, mutually undertake, or concert together for the purpose of willfully or maliciously injuring another in his reputation, trade, business, or profession by any means whatever, or for the purpose of maliciously compelling another to do or perform any act against his will, or preventing or hindering another from doing or performing any lawful act shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars.

SEC. 4466b. *Blacklisting.*—Any two or more persons, whether members of a partnership or company or stockholders in a corporation, who are employers of labor, who shall combine or agree to combine for the purpose of preventing any person seeking employment from obtaining the same, or for the purpose of procuring or causing the discharge of any employee by threats, promises, circulating blacklists, or causing the same to be circulated, or who shall, after having discharged any employee, prevent or attempt to prevent such employee from obtaining employment with any other person, partnership, company, or corporation by the means aforesaid, or shall authorize, permit, or allow any of his or their agents to blacklist any discharged employee or any employee who has voluntarily left the service of his employer, or circulate a blacklist of such employee to prevent his obtaining employment under any other employer, or who shall coerce or compel any person to enter into an agreement not to unite with or become a member of any labor organization as a condition of his securing employment or continuing therein, shall be punished by fine of not more than five hundred dollars nor less than one hundred dollars, which fine shall be paid into the State treasury for the benefit of the school fund. Nothing in this section shall prohibit any employer of labor from giving any other such employer, to whom a discharged employee has applied for employment, or to any bondsman or surety, a truthful statement of the reasons for such discharge, when requested so to do by such employee, the person to whom he has applied for employment, or any bondsman or surety; but it shall be a violation of this section to give such information with the intent to blacklist, hinder, or prevent such employee from obtaining employment; neither shall anything herein contained prohibit any employer of labor from keeping for his own information and protection a record showing the habits, character, and competency of his employees and the cause of the discharge or voluntary quitting of any of them.

SEC. 4466c. *Preventing employment.*—Any person who by threats, intimidation, force, or coercion of any kind shall hinder or prevent any other person from engaging in or continuing in any lawful work or employment, either for himself or as a wage worker, or who shall attempt to so hinder or prevent shall be punished by fine not exceeding one hundred dollars or by imprisonment in the county jail not more than six months, or by both fine and imprisonment, in the discretion of the court. Nothing herein contained shall be construed to prohibit any person or persons off of the premises of such lawful work or employment from recommending, advising, or persuading others by peaceful means to refrain from working at a place where a strike or lockout is in progress.

Protection of employees as voters

SECTION 4543q. *Duress and fraud.*—Any employer of labor who refuses to allow an employee to serve as election inspector or ballot clerk, or makes any threats or offers any inducements of any kind to such employee for the purpose of preventing such employee from serving as such inspector or clerk, shall be punished by imprisonment in the county jail or house of correction not exceeding nine months, or by a fine of not more than five hundred dollars and costs of prosecution.

SEC. 4543q–1. *Requiring employees to work.*—No employer of labor in any city of the first class shall ask or require any of his employees to do any manner of labor or work during the afternoon of any day on which a primary election is held in such city for the nomination of candidates for city offices, except works of necessity or charity. Every person violating this section or knowingly contributing to such violation shall be punished by a fine not exceeding twenty-five dollars.

Bribery, etc., of employees

SECTION 4575m. *Bribery of agent, etc.*—Whoever corruptly gives, offers, or promises to an agent, employee, or servant any gift or gratuity whatever with intent to influence his action in relation to his principal's, employer's or master's business; or an agent, employee, or servant who corruptly requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's[,] employer's, or master's business; or an agent, employee, or servant who, being authorized to procure materials, supplies, or other articles either by purchase or contract for his principal, employer, or master, or to employ service or labor for his principal, employer, or master, receives directly or indirectly, for himself or for another a commission, discount, or bonus from the person who makes such sale or contract, or furnishes such materials, supplies, or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee, or servant such commission, discount, or bonus, shall be punished by a fine of not less than ten dollars nor more than five hundred dollars, or by such fine and by imprisonment, for not more than one year.

SEC. 4575m.1. *Bonus to chauffeurs.*—It shall be unlawful for any chauffeur, driver, or other person having the care of a motor vehicle for the owner to receive or take, directly or indirectly, without the written consent of such owner, any bonus, discount or other consideration for supplies or parts furnished or purchased for such motor vehicle or upon any work or labor done thereon by others, or on the purchase of any motor vehicle for his employer; and no person furnishing such supplies or parts, work or labor, or selling any motor vehicle shall give or offer any such chauffeur or other person having the care of a motor vehicle for the owner thereof, directly or indirectly, without such owner's written consent, any bonus, discount, or other consideration thereon. Any person violating this section shall be guilty of a misdemeanor and punished by a fine not exceeding twenty-five dollars.

SEC. 4575n. *Immunity.*—No person shall be excused from attending, testifying, or producing books, papers, contracts, agreements, and documents before any court or in obedience to the subpœna of any court having jurisdiction of the misdemeanor on the ground or for the reason that the testimony or evidence documentary or otherwise required of him may tend to criminate him or to subject him to a penalty or forfeiture. But no person shall be liable to any suit or prosecution civil or criminal for or on account of any transaction matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding: *Provided*, That no person so testifying or producing any such books, papers, contracts, agreements or documents shall be exempted from prosecution and punishment for perjury committed in so testifying.

Employment of children in certain occupations forbidden

SECTION 4587a. *Immoral, etc., occupations.*—[No child under 14 may be employed in any dangerous, injurious, or immoral occupation, exhibition, or practice.]

WYOMING

CONSTITUTION

ARTICLE I.—*Labor legislation*

SECTION 22. *Protective laws to be passed.*—The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the State.

ARTICLE IX.—*Mine regulations*

SECTION 1. *Office of inspector.*—There shall be established and maintained the office of inspector of mines, the duties and salary of which shall be prescribed by law. When said office shall be established, the governor shall, with the advice and consent of the senate, appoint thereto a person proven in the manner provided by law to be competent and practical, whose term of office shall be two years.

SEC. 2. *Mining to be regulated.*—The legislature shall provide by law for the proper development, ventilation, drainage, and operation of all mines in this State.

SEC. 3. *Women and children.*—No boy under the age of fourteen years and no woman or girl of any age shall be employed or permitted to be in or about any coal, iron, or other dangerous mines for the purpose of employment therein: *Provided, however*, This provision shall not effect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

SEC. 4. *Right of action for injuries.*—For any injury to person or property caused by willful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect, or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

SEC. 6. *State geologist.*—There shall be a State geologist, who shall be appointed by the governor of the State, with the advice and consent of the senate. * * * said State geologist shall ex officio perform the duties of inspector of mines until otherwise provided by law.

ARTICLE X.—*Liability of employers for injuries to employees—Waivers, etc.*

SECTION 4. *Damages for injuries.*—No law shall be enacted limiting the amount of damages to be recovered for causing the injury or death of any person. Any contract or agreement with any employee waiving any right to recover damages for causing the death or injury of any employee shall be void.

ARTICLE XIX.—*Hours of labor*

SECTION 1. *Eight hours a day's labor.*—Eight (8) hours' actual work shall constitute a lawful day's work in all mines, and on all State and municipal works.

ARTICLE XIX.—*Alien labor—Employment on public works*

SECTION 1. *Aliens not to be employed.*—No person not a citizen of the United States or who has not declared his intention to become such shall be employed upon or in connection with any State, county, or municipal works or employment.

SEC. 2. *Enforcement.*—The legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

ARTICLE XIX.—*Arbitration of labor disputes—Boards*

SECTION 1. *Courts to be established.*—The legislature shall establish courts of arbitration, whose duty it shall be to hear and determine all differences and controversies between organizations or associations of laborers and their employers, which shall be submitted to them in such manner as the legislature may provide.

ARTICLE XIX.—*Liability of employers for injuries to employees—Waivers*

SECTION 1. *Contracts waiving rights to damages.*—It shall be unlawful for any person, company, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in the service of such person, company, or corporation by reason of the negligence of such person, company, or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

COMPILED STATUTES—1910

Miners' hospital

SECTIONS 504–508. *Object of hospital.*—[A State hospital at Rock Springs has for its object to provide care and treatment of disabled miners requiring such attention. A board of visitors fixes the schedule of charges and may declare who shall be subjects of charity, and may also provide that classes of individuals or the members of any society may pay a sum annually that will entitle to the benefits of the hospital.]

Protection of employees as voters

SECTION 2214. *Attempting to influence vote.*—

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8. No person shall attempt to influence the vote of any elector by means of * * * threats of * * * discharging from employment, * * *.

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Mine regulations—Explosives

SECTIONS 2967–2972. *Storage; tamping, etc.*—[Explosives must be date-marked, stored at a safe distance from working places, the quantity underground limited, and oils separately stored. No iron, steel, or other metal tamping bar may be used.]

Employment of children—Certain occupations forbidden

SECTION 3101. *Acrobatic, etc., occupations.*—[The employment of any child under 14 in singing, dancing, rope walking, or other acrobatic or mendicant employment is forbidden. For the text of a similar law see sec. 2223, Delaware Code.]

SEC. 3107. *Employment in mines.*—[No boy under 14 and no female may be employed underground in mines or underground works. This does not relate to office employment at mines.]

Wages as preferred claims—In assignments

SECTION 3390. *Rank.*—[Wages for three months prior to the date of any assignment are preferred over all other claims against the estate.]

Exemption of wages—Unlawful assignment of claims

SECTIONS 3424–3427. *Sending claims out of State.*—[It is unlawful to sell, assign, or transfer a claim against a laborer or other employee, or sue thereon outside the State, or seek in any way to attach wages earned within 60 days prior to the commencement of proceedings, to avoid the effect of the exemption laws of the State. Proof of the institution of such action is prima facie evidence of intent to evade the law.]

Alien labor—Contracts

SECTION 3428. *Terms limited.*—No contract made for labor or services with any alien or foreigner previous to the time that such alien or foreigner may come into the State shall be enforced within this State for any period after six months from the date of such contract.

SEC. 3429. *Recovery by alien.*—Any alien or foreigner who shall hereafter perform labor or services for any person or persons, company or corporation within this State, shall be entitled to recover from such person or persons, company or corporation, a reasonable compensation for such labor or services, notwithstanding such person or persons, company or corporation may have paid any other party or parties for the same; and in actions for the price of such labor or services, no defense shall be admitted to the effect that the defendant or defendants had contracted with other parties who had, or pretended to have, power or authority to hire out the labor or services of such party or parties, or to receive the pay or price for such labor or services.

Liability of employers for injuries to employees—Waivers

SECTION 3430. *Contracts waiving right to damages.*—It shall be unlawful for any person, company, or corporation to require of its servants or employees as a condition of their employment or otherwise any contract or agreement whereby such person, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employees while in service of such person, company, or corporation by reason of the negligence of such person, company, or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

Protection of employees as candidates for political office

SECTION 3431. *Discharging employees for candidacy.*—Any company, corporation, or individual who shall discharge or cause to leave his or her or their employ, temporarily or permanently, any person or persons because they have been nominated as a candidate for any position of honor, trust, or emolument, to be voted for at any election held in pursuance of the laws of this State; or any person, agent, or officer of any company or corporation who shall cause or attempt to cause any person or persons nominated as candidates at any election to withdraw or refrain from accepting such nomination by threatening loss of employment, business, or patronage if they accept such candidacy, or shall make it a condition of employment, business, or patronage that such candidacy shall not be accepted, shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars nor more than five hundred dollars.

Assignments of wages

SECTION 3432. *Employer to accept.*—No assignment of or order for wages to be earned in the future to secure a loan of less than two hundred dollars shall be valid against an employer of the person making said assignment or order until said assignment or order is accepted in writing by the employer and said assignment or order and the acceptance of the same have been filed and recorded with the clerk of the city or town where the party making said assignment or order resides, if a resident of this State, or in which he is employed, if not a resident of the Commonwealth.

SEC. 3433. *Consent of wife.*—No such assignment of or order for wages to be earned in the future shall be valid when made by a married man, unless the written consent of his wife to the making of such assignment is attached thereto.

SEC. 3434. *Exemptions.*—National banks and all banking institutions which are under the supervision of the bank examiner shall be exempt from the provisions of this chapter.

Mine regulations—Metalliferous mines

SECTIONS 3483, 3484. *Inspector.*—[The State geologist is ex officio inspector of mines under this act, and may enter and inspect any metalliferous mine or metallurgical plant in the State, test machinery, examine witnesses, etc.]

SECS. 3485, 3486. *Defective conditions.*—[Notice in writing must be given of any condition or practice so dangerous or defective as to threaten bodily injury, and the owner, manager, etc., must remedy the condition and report such fact to the inspector. False representations as to conditions subjects the party to a fine of not less than $100 nor more than $300.]

SEC. 3487. *Accidents.*—[Accidents causing loss of life or 30 consecutive days' absence from work under the care of a physician, must be reported to the inspector, with all the facts, and he shall thereupon investigate and report on the same.]

SEC. 3488. *Reports.*—[Operators of mines or mills employing 5 or more men must report annually the number of employees by classes, on blanks furnished by the inspector.]

SECS. 3489–3492. *Provisions for safety.*—[A code of signals is prescribed, and rules governing the same. Hoisting engineers must be sober, and not less than 18 years of age. Strangers and visitors may not be allowed underground without a guide.]

Hours of labor in mines, smelters, etc.

SECTION 3499. *Limit of eight hours in mines.*—The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in case of emergency where life or property is in imminent danger.

SEC. 3500. *Smelters, etc.*—The period of employment of workingmen in smelters, stamp mills, sampling works, concentrates, and all other institutions for the reduction of ores, and refining of ores or metals, shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 3501. *Violations.*—[Violations are punishable by fine, $100 to $500, or imprisonment 1 month to 6 months, or both.]

SEC. 3502. *Day defined.*—In all contracts hereafter made between any owner, lessee, or operator of any coal mine, with any such miner or laborer for his services as such, the word day when used shall be construed to be eight hours: *Provided*, That nothing in this section nor in sections 3502 [sic] or 3503 contained shall be construed to prohibit or prevent any such owner, lessee, or operator from operating his or its coal mine more than eight hours in any twenty-four.

SEC. 3503. *Time defined.*—The eight hours in this and the preceding section provided for shall be construed to mean eight hours of actual labor and shall not include the time consumed in going to and returning from work.

SEC. 3504. *Penalty.*—Any owner, lessee, or operator, his or its agents, employees, or servants, violating any of the provisions of the two preceding sections shall be fined not less than fifty dollars, nor more than three hundred dollars, or imprisoned not more than three months, or both.

Mine regulations—Coal mines

SECTIONS 3505–3508 (all as amended 1919, ch. 126), 3509. *Maps; ways; ventilation.*—[Maps must be made and filed, and revised every six months. Mines must have two openings, separated by not less than 50 feet except in drift mines where two openings are impracticable. Not more than five men may be employed until the second shaft is completed. Equipment of stairs, hoisting machinery, and methods of hoisting are prescribed. Ventilation, inspection, and reports are regulated, and the driving of rooms in advance of crossents restricted.]

SECS. 3510–3514 (all as amended 1919, ch. 126), 3515–3520. *Mine foremen; safety lamps; safeguards, etc.*—[A competent, certified mine foreman must have charge of the inside operations of all mines, including ventilation, timber-

ing, drainage, etc. Records must be kept of air measurements and daily inspections made of work places. Injuring apparatus, etc., is a misdemeanor. All machinery must be securely fenced or guarded, and reports made of accidents causing loss of life or serious personal injury. Inspectors are to be allowed access, and may enforce the provisions of the law.]

Secs. 3521, 3522, 3524 (all as amended 1919, ch. 126). *Examining board.*—[County examining boards may be appointed, of which the State inspector is a member, to pass on the qualifications of mine foremen and assistants and fire bosses. Such persons may not be employed without certificates of competency.]

Sec. 3525. *Special inspections.*—[On request of the miners in any mine the State inspector may appoint a committee of two miners, to be assisted by the mine boss, to make and report on an inspection of the mine, the committee to be paid by the miners. The inspector is the legal adjuster of all scales and measures in mines.]

Sec. 3527. *Stretchers.*—[Suitably constructed stretchers must be kept at shafts, etc., for removing injured workmen.]

Sec. 3529 (as amended 1919, ch. 126). *Mines covered.*—[This chapter (secs. 3505–3529) applies to mines in which 5 or more persons are employed during 24 hours.]

Secs. 3530, 3531 (as amended 1919, ch. 126), 3532–3535. *Unused crosscuts; hoists; sprinkling.*—[Unused crosscuts must be sealed up, safety cables be attached to cars on "man trips," tools carried separately on such trips, dusty places sprinkled, and accumulations of dust removed at least monthly.]

Secs. 3536, 3537 (both as amended 1919, ch. 126), 3538–3541, 3542 (as amended 1919, ch. 126), 3543, 3544 (as amended 1919, ch. 126), 3545, 3546, 3547 (as amended 1919, ch. 126), 3548 (as amended 1919, ch. 126). *Inspectors.*—[The governor appoints two State inspectors for terms of 4 years at $2,600 per year and traveling expenses. The State is divided into two districts, and an inspector assigned to each. Bonds of $5,000 are required. Quarterly inspections and annual reports must be made, and records kept. Inspectors may be removed for cause on a hearing before the court.

Reports of inspections must be posted at mines, and annual reports made by owners, etc., of operations, employment, etc. Special deputies may be appointed to investigate mine accidents.]

Payment of wages at mines

Section 3549. *Pay semimonthly.*—All wages or compensation of coal miners and laborers, now employed, or who may hereafter be employed, in or about any coal mine in the State, shall be due and payable semimonthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all such money earned prior to the first day of any month shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company, or corporation operating coal mines within this State who fails to comply with the provisions of this section, shall be fined in the sum of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

Sec. 3550. *Action for wages.*—In case any employer of any such miner or laborer shall fail or refuse to make payment as aforesaid, the same shall be recoverable in an action at law, together with legal interest from the date when such amount was due, as provided herein.

Sec. 3551. *Set-off.*—No account for goods, wares, or merchandise, nor any claim, except for money loaned or advanced by such employer to such miner or laborer, except as hereinafter provided, shall be allowed as a set-off or counterclaim in such action, and any condition of employment whereby any of the provisions of this chapter [secs. 3549 to 3552] are sought to be avoided, shall be utterly null and void.

Sec. 3552. *Act construed.*—Nothing in this chapter [secs. 3549 to 3552] contained shall be held to interfere with any contract or agreement, in writing, for the furnishing by such employer to such employees, of medicine, medical attendance, fuel, or house rent.

Labor organizations, etc.—Incorporation

SECTION 4186. *Who may incorporate.*—Any number of persons, not less than seven, may voluntarily associate themselves together for either of the following purposes: To organize * * * lodges or assemblies of the Knights of Labor, grand or subordinate, * * * according to the constitution and usages of such * * * Knights of Labor * * *.

SEC. 4187. *Certificate to be filed.*—Any such society that may wish to become incorporated under and by virtue of this chapter, shall file in the office of the secretary of state and the office of the register of deeds of the county in which such society shall be located, a certificate in writing, setting forth the name of such society, together with its number (according to usage), and the place where the same shall be held, which certificate shall be signed by the presiding officer and secretary, and attested by the seal of such society, and such society or association having filed the certificate required by this chapter, shall be deemed and held a body corporate and politic, under the name and styles stated in such certificate, and may sue and be sued in all courts of record in this State, and shall have power to contract and be contracted with, and use a common seal.

Wages—Garnishment—Exemptions—Preference

SECTION 4787. *Wages due railroad employees.*—[Where a judgment for wages has been secured against a railroad company for labor in construction, operation, or furnishing supplies, and it appears that there is no property subject to levy, but that a designated person or corporation owes such company, a writ may issue against such debtor, directing payment to the judgment creditor of the amount of the claim and costs.]

SEC. 4793. *Assignments void, when.*—An assignment or transfer of property, in the hands or under the control of any agent of such railroad company at the date of the service of notice of garnishment, or which may afterwards, and before the satisfaction of the judgment, come into his hands, or under his control, shall be void as against judgment claimants under this article.

SEC. 4797 (as amended 1911, ch. 56). *Public employees.*—[The salaries or wages of public employees are subject to garnishment in the same manner and for the same causes as of private employees.]

SEC. 4810. *Exemption.*—[One-half a judgment debtor's earnings for personal services rendered within 60 days prior to the levy are exempt from execution or attachment on a showing that they are necessary for the support of a dependent family residing in the State.]

SEC. 5595. *Preference in administration.*—[Wages due servants and employees for services rendered within 60 days prior to the death are to be paid in administration, together with expenses of the last sickness, next after funeral expenses and expenses of administration.]

Seats for female employees

SECTION 5815. *Seats to be provided.*—Every person or corporation employing females in any manufacturing, mechanical, or mercantile establishment in the State of Wyoming shall provide suitable seats for females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed. Any person or corporation who shall violate the provisions of this section shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each and every offense.

Wages of aliens—Prior contract

SECTION 5976. *Receiving money for labor of alien under contract.*—Any person, whether he or she acts for himself or herself, or as agent, attorney, or employee for another or others, who shall, in pursuance of or by virtue of, any contract made with any alien or foreigner, made before such alien or foreigner came into this State, receive or offer to receive any money, pay, or remuneration for the labor or services of any alien or foreigner, excepting the person so performing such labor or services, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not less than five

hundred dollars and not more than five thousand dollars, and imprisoned in the county jail for not less than three months nor more than twelve months for each and every offense.

ACTS OF 1911

Chapter 74.—*Mine regulations—Weighing coal*

Sections 1–3, 4 (as amended 1919, ch. 126), 5, 6. *Screening; weighman; scales.*—[Where miners are paid at bushel or ton rates, screening so as to remove any marketable coal before it is weighed and credited is forbidden. Weighmen must serve under oath, and the miners may employ a checkweighman who shall have the same rights and be under the same obligations as the weighman. Scales must be adjusted daily, and fraudulent weighing is a misdemeanor.]

Chapter 101.—*Inspection of coal mines—Examination*

Sections 1–6. *Board of examiners; duties.*—[The governor is authorized to appoint a board of qualified persons to examine applicants for the office of State mine inspector. Annual meetings are directed.

Applicant must be 30 years of age, experienced, and with a practical knowledge of mining engineering; appointments to be made from the eligibles secured.]

ACTS OF 1913

Chapter 68.—*Mine regulations—Telephones*

Sections 1, 2. *Equipment required.*—[A system of party-line telephones must be installed in each coal mine in operation in the State, serving each hoisting shaft and other points designated. Positions may be changed if found more serviceable in the opinion of the State inspector.]

Chapter 89.—*Mine regulations—Check numbers on cars*

Sections 1, 2. *Changing numbers.*—[Changing or removing numbers or check numbers on cars with the intent of cheating or defrauding miners or loaders in mines is a misdemeanor.]

Chapter 90.—*Hours of labor on public works*

Section 1. *Eight-hour day.*—The time of service of all laborers or workmen or mechanics employed upon any public works of the State of Wyoming, or of any county, city, and town, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of emergency caused by fire, flood, or danger to life and property; or except to work upon public or military works or defenses in time of war.

Sec. 2. *Violations.*—[Penalty for violations is a fine, $100 to $500, or imprisonment 1 to 6 months, or both.]

Chapter 132.—*Liability of railroad companies for injuries to employees*

Section 1. *Company liable, when.*—Every person or corporation operating a railroad in the State shall be liable in damages to any person suffering injury while he is employed by such person or corporation so operating any such railroad, or, in case of the death of such employee, instantaneously or otherwise, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury and death resulting in whole or in part from the negligence of any of the officers, agents, or employers of such person or corporation so operating such railroad in or about the handling, movement, or operation of any train, engine, or car, on or over such railroad, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, works, or other equipment.

Sec. 2. *Negligence to be measured.*—In all actions hereafter brought against any such person or corporation so operating such railroad, under and by

virtue of any of the provisions of this act, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such person or corporation so operating such railroad or any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 3. *Assumption of risk.*—Any employee of any such person or corporation so operating such railroad shall not be deemed to have assumed any risk incident to his employment when such risk arises by reason of the negligence of his employer or of any person in the service of such employer.

SEC. 4. *Contracts exempting from liability.*—Any contract, rule, or regulation or device whatsoever, the purpose or intent of which shall be to enable any such person or corporation so operating such railroad to exempt itself from any liability created by this act shall, to that extent, be void. Nor shall any contract of insurance, relief, benefit, or indemnity in case of injury or death entered into prior to the injury between the person so injured and such corporation, or any person or association acting for such corporation, nor shall the acceptance of any insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, constitute any bar or defense to any cause of action brought under the provisions of this chapter, but nothing herein contained shall be construed to prevent or invalidate any settlement for damages between the employer and employees subsequent to injuries received.

ACTS OF 1915

CHAPTER 77—*Employment of children*

SECTION 1a (added 1923, ch. 48). *Employment during school hours.*—[No child required by law to attend school may be employed in any way during the time the schools are in session.]

SEC. 2. *Illegal, immoral, etc., occupations.*—[No child under 16 may be employed for any illegal or immoral purpose or in any place or vocation injurious to morals or health or dangerous to life or limb.]

SEC. 3 (as amended 1923, ch. 48). *Dangerous employments.*—[No child under 16 may be employed in or in connection with designated dangerous occupations. For a similar list see secs. 3145, 3148, Delaware Code.]

SEC. 4 (as amended 1923, ch. 48). *Work time.*—[No child under 16 may work at other than domestic and farm service more than 6 days or 48 hours per week, or more than 8 hours per day, and not between 7 p. m. and 7 a. m.]

SEC. 5. *Seats.*—[No female under 18 shall be employed where constant standing is required, and employers of such females must furnish suitable seats and permit their use in so far as the nature of the work allows.]

SECS. — (added 1923, ch. 48). *Certificates.*—[Children under 16 may not be employed in other than domestic and personal service unless the employer has a permit issued by a permit officer appointed by the child-labor commissioner. Proof of age, a statement of intended employment, the completion of 8 years of schooling, and a health certificate are required. Enforcement rests with the child-labor commission and all police, peace, and probation officers.]

CHAPTER 146.—*Accidents—Reports and investigation*

SECTION 44 (as amended 1917, ch. 74). *Public utilities.*—[All public utilities must report to the public service commission, under rules laid down by it, all accidents resulting in loss of life or injury to person. The commission shall make such investigations as it deems required, and may make orders with reference thereto.]

ACTS OF 1917

CHAPTER 18.—*Factory, etc., regulations—Fire escapes*

SECTION 1. *What buildings to have fire escapes.*—* * * Every * * * factory or workshop three or more stories in height shall be provided with safe and suitable metallic, tunnel[,] iron or fireproof ladders or stair fire escapes

with guard rail of sufficient strength attached to the outside walls thereof and extending from or suitably near the ground to the uppermost story thereof with platforms not less than six by three feet and of such shape and size and in such proximity to the windows of each story above the first as to render access to such ladders or stairs from each story easy and safe to the occupants of such buildings in case of fire, and it shall be the duty of every proprietor, custodian, superintendent, or person or persons having charge and control of such public buildings mentioned and described herein to post notices in every hall, and in a public and conspicuous place in such building, designating the places on each and every floor of such building where such fire escapes are located and may be found.

SEC. 3. *Exits.*—Every building now or hereafter used, in whole or in part, as a factory, mill, workshop, garage, office, bakery, laundry, store, and any other building or buildings in which people are employed at manual or other labor shall be provided with proper and sufficient means of escape in case of fire by two or more ways of egress, and all doors leading into or to such factory, mill, workshop, garage, office, bakery, laundry, store, and any other building or buildings in which people are employed at manual or other labor shall not be locked, bolted, or fastened during working hours [so] as to prevent free and easy access therefrom.

SEC. 4. *Ways to be unobstructed.*—All such metallic, iron, or fireproof ladders or stair fire escapes, stairways, hallways, or means of egress mentioned or described in this act shall at all times be kept free from any obstruction, in good repair, and ready for use, and at night or where lights are necessary in the daytime a red light shall be provided with the words inscribed thereon "FIRE ESCAPE": *Provided,* That on all hotel, theater, school, and hospital buildings two or more stories in height said stairways shall extend from each floor of said building to the ground and shall not be less than three feet wide, the risers of said stairs shall not be greater than eight inches, and the treads not less than ten inches wide, and the platform not less than three feet wide, and in all cases the full width of the stairs. All such stairs shall have proper guardrails not less than twenty-eight inches high. Where tubing is used for guardrails they shall be not more than ten inches apart, and where balusters are used they shall be not more than six inches apart.

CHAPTER 113.—*Commissioner of labor and statistics—Factory, etc., regulations*

SECTION 1. *Office created.*—There is hereby created the office of commissioner of labor and statistics, whose powers and duties shall be as hereinafter provided.

SEC. 2. *Appointment.*—The governor shall within thirty days after the passage of this act appoint a commissioner of labor and statistics whose term shall be four years and until his successor is appointed and qualified: *Provided,* That no person shall be appointed as State commissioner of labor, who shall have been an official in any labor organization at any time during a period of six months prior to such appointment. In case of a vacancy in the office caused by death, resignation, or incapacity to act the governor shall fill such vacancy by an appointment for the unexpired term.

SEC. 3. *Office.*—The commissioner of labor and statistics shall be furnished with office room in the capitol building in the State capitol [capital] in which he shall maintain his office and records.

SEC. 4. *Duties.*—It shall be the duty of the commissioner of labor and statistics to enforce all laws enacted by the Legislature of Wyoming, relating to labor and to the health, welfare, life, and limb of the workers of this State; to make an inspection of the industrial establishments and buildings hereinafter provided for, and to report biennially to the governor his findings, together with any recommendations thereon that he may consider as being helpful.

SEC. 5. *Statistics.*—The commissioner of labor shall collect, classify, have printed, and submit to the governor in the biennial report of the commissioner of labor and statistics, as hereinafter provided, the following statistics touching the industrial life of the State, to wit: The hours of labor and number of [each] sex engaged in manual labor, the aggregate and average daily wages classified by sex and occupation; the number and character of accidents, the working conditions of all industrial establishments (including manufacturing establishments, hotels, stores, workshops, theaters, halls, and other places where labor is employed), and such other information relating to industrial,

economic, social, educational, moral, and sanitary conditions of the working class, as the commissioner may deem needful to protect the work of his office; and such [commissioner] shall also gather all available statistics from similar departments in other States as may by him be deemed advisable.

SEC. 6. *Doors in work places.*—All doors leading into or to any manufacturing establishments, mills, workshops, offices, bakeries, laundries, stores, hotels, theaters, halls, or other buildings in which people are employed, shall be so constructed as to open outward, when practicable, and shall not be locked, bolted or fastened so as to prevent free egress during working hours. Proper and substantial handrails shall be provided on all stairways in manufacturing establishments, mills, workshops, offices, bakeries, laundries, stores, hotels, theaters, halls, and other buildings where people are employed or rooms rented to the public. And he shall have authority to enforce by due process of law, the provisions of this section, and other laws relating to fire escapes.

SEC. 7. *Hoistways, etc.*—The openings of all hoistways, hatchways, elevators, well holes and stairways in manufacturing establishments, mills, workshops, bakeries, laundries, stores, hotels, theaters, halls, or any other kind of establishment where labor is employed, or machinery used, shall be protected by trap doors, hatches, fences, automatic gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open for use when practicable. All machinery, in use in any mercantile, manufacturing, or any other establishment whatsoever where labor is employed, shall be equipped with proper shifters for throwing on and off pulleys, loose pulleys and other such safeguards as may be deemed necessary by the commissioner of labor for the proper safeguard of life and limb.

SEC. 8. *Terms construed.*—Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural product or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form. Wherever [wherever] the expression occurs in this act is substantially the following words: "Every person owning or operating any manufacturing establishment["], or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

SEC. 9. *Access to work places.*—The commissioner of labor shall have power to enter any manufacturing establishment, mill, workshop, office, bakery, laundry, store, hotel, theater, hall, or any public or private works where labor is employed, rooms are rented to the public, or machinery is used, for the purpose of enforcing the provisions of this act.

SEC. 10. *Witnesses.*—The commissioner of labor shall have the power to administer oaths, to examine witnesses under oath, to compel the attendance of witnesses, and the giving of testimony in any part of this State. Witnesses may be summoned by the commissioner in [by] process issued in same manner as in district court: *Provided*, That no witness shall be compelled to go outside of the county in which he or she resides to testify.

SEC. 11. *Prosecutions.*—The county and prosecuting attorney of any county in this State shall upon complaint on oath of the commissioner of labor prosecute to termination before any court of competent jurisdiction, in the name of the State of Wyoming, actions or proceedings against any person or persons charged with violation of any of the provisions of this act or any of the laws of this State enacted for the protection of employees.

SEC. 12. *Reports.*—On or before the first day of December, 1918, and biennially thereafter, the commissioner of labor shall make a complete report to the governor in writing, which report shall cover statistics gathered in this State, the conditions discovered by his inspections of industrial establishments in this State, relating particularly to industrial or working conditions, and the economic, social, educational, moral, and sanitary conditions of the workers therein; the efforts made to enforce the laws as comprehended by this act; together with such recommendations as he shall deem advisable as

relating to the welfare of the working people of the State and to the efficiency of his office.

SEC. 13. *Oath; bond.*—The commissioner of labor before entering upon the duties of his office shall take the oath of office prescribed by law and shall enter into a bond, with sufficient sureties to the State of Wyoming, in the sum of $2,000, conditioned for the faithful performance and discharge of the duties of his office.

SEC. 14 (as amended 1919, ch. 31). *Salaries.*—The salary of the commissioner of labor shall be two thousand five hundred dollars ($2,500) per annum, such compensation to be audited and paid in the same manner as the salaries of other State officers. The commissioner shall appoint a deputy commissioner of labor whose salary shall be one thousand eight hundred dollars ($1,800) per annum, such compensation to be audited and paid monthly as other State salaries are paid. The deputy labor commissioner shall work under the direction of the commissioner of labor and statistics, who shall be responsible for his official acts. His term of office shall extend during the pleasure of the commissioner of labor and statistics or until his successor is appointed.

SEC. 15 (as amended 1919, ch. 31). *Expenses.*—In addition to the salaries provided for in the preceding section the commissioner of labor shall be allowed for the other expenses of his office the sum of two thousand five hundred dollars ($2,500) per annum; all such compensation for expenses shall be audited and paid in the same manner as the expenses of other State officers: *Provided*, Said commissioner shall have printed not more than one thousand five hundred copies of his biennial report for the use of his office and general distribution; also such printed matter and supplies as may be necessary for the conduct of his office, and the expenses thereof shall be audited in the same manner as other State printing and supplies.

SEC. 16. *Violations.*—[Penalty for violations is a fine of not more than $100 or imprisonment not exceeding 90 days, or both.]

SEC. 17. *Exemptions.—Provided*, Nothing herein contained shall be construed to be applicable to coal and metalliferous mines and workshops connected therewith as such mines and workshops are by law placed under the jurisdiction of State coal mine inspectors or of the State geologist, nor shall anything herein be construed to apply to railroads engaged in interstate commerce or workshops connected therewith, the same being under Federal jurisdiction.

ACTS OF 1919

CHAPTER 16.—*Mine regulations—Electric lines*

SECTION 1. *Construction.*—[Underground power lines shall be constructed and equipped with a view to the safety of the employees, and must be as near the roof as possible. At crossovers and where feed wires or wires of high voltage are along travel ways the wires must be in trenches or conduits, or be fenced, and dangerous places posted with warning signs.]

CHAPTER 59.—*Private employment offices*

SECTION 1. *License.*—[No agency may be carried on without a license from the commissioner of labor and statistics. In cities of 5,000 and over, the annual fee is $25, and in smaller places, $10. The license and a copy of the act must be conspicuously posted in the agency.]

SEC. 3. *Bond.*—[A bond of $500 is conditioned on compliance with the act.]

SEC. 4. *Revocation.*—[Licenses may be revoked on complaint and after hearing, for violations of this act.]

SEC. 5. *Register.*—[A register, open to inspection at all reasonable hours, must be kept of all applicants for help or servants, giving the name and nature of the employment for which help is wanted.]

SEC. 6. *Registration fee.*—[Where a registration fee is charged, it may not exceed $1, unless the position pays more than $3 per day, when a fee of $2 may be charged. A duplicate receipt must be given, and if no position is secured within 3 days, the full amount of the fee shall be returned on demand.]

SEC. 7. *Fraud.*—[False advertising or the giving of false information or making false promises is forbidden.]

SEC. 8. *Enforcement.*—[Enforcement is vested in the commissioner of labor and statistics.]

CHAPTER 73.—*Payment of wages—Semimonthly pay day*

SECTION 1. *Scope of law.*—Every person, firm, or corporation engaged in the operation of any railroad, mine, refinery, and work incidental to prospecting for, or the production of oil and gas, or other factory, mill, or workshop, within the State of Wyoming shall, on or before the third day of each month, pay the employees thereof the wages earned by them during the first half of the preceding month ending with the fifteenth day thereof, and on or before the eighteenth day of each month pay the employees thereof the wages earned by them during the last half of the preceding month: *Provided, however*, That if at any time of payment any employee shall be absent from his or her regular place of labor, and shall not receive his or her wages through a duly authorized representative, he or she shall be entitled to said payment at any time thereafter upon demand on the proper paymaster or at the place where such wages are usually paid: *Provided further*, Every employer shall establish and maintain regular pay days as herein provided and shall post and maintain copies of this law printed in plain type in at least two (2) conspicuous places where such notices can be seen by the employees.

Nothing in this bill, however, shall be so construed as to mean that on any special occasion where it appears to be satisfactory and beneficial to both employer and employee, that they shall not have the right to agree either verbally or in writing, as to where and at what time, other than every fifteen days, wages shall be paid: *Provided*, That it shall be unlawful for any employer to require any employee to enter into any such agreement as a condition to entering into or remaining in his service.

SEC. 2. *Termination of employment.*—Whenever an employee quits the service or is discharged therefrom, such employee shall be paid whatever wages are due him or her in lawful money of the United States of America, or by check or draft which can be cashed at a bank, and said wages shall be paid within a reasonable time thereafter.

ACTS OF 1923

CHAPTER 61.—*Mine regulations—Firing shots*

SECTIONS 1–7. *Shot firers; duties.*—[In mines employing more than 10 men as miners and where more than 2 pounds of powder are used in any blast, if gas is generated in dangerous quantities, and 60 per cent of the miners make such demand, the State inspector shall examine the mine or mines in question, and if he finds the employment of shot firers necessary for the safety of the employees he shall require their employment. They must be competent and experienced men. The firing of shots is regulated, and changing drill holes after approval by the inspector forbidden.]

CHAPTER 62.—*Employment of women*

SECTION 1. *Hours of work.*—No female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, public lodging house, apartment house, place of amusement, or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company in the State of Wyoming more than eight and one-half (8½) hours in any one day or more than fifty-six (56) hours in any one week; provided, however, that this act shall not apply to females working in a telephone or telegraph office or exchange in which three (3) or less females are employed; and further provided, that the provisions of this section in relation to the hours of employment shall not apply to nor affect the harvesting, curing, canning, or drying of any variety of perishable fruit or vegetable, nor to nurses in training in hospitals.

SEC. 2. *Seats to be provided.*—Every employer in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or other establishment, employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment. Every such employer shall keep posted in an open and conspicuous place in each room where such females are at work a copy of this act printed in such form and style as may be easily read.

SEC. 3. *Enforcement.*—The district attorneys of the respective counties of this State, and the attorney general of this State, shall enforce the provisions of this act, and said district attorneys, and said attorney general and their deputies and agents, shall have all powers and authority of sheriffs or other peace officers to make arrests for violations of the provisions of this act, and to serve all processes and notices thereunder throughout the State.

SEC. 6. *Emergency.*—Nothing in this act shall forbid the employment of any female at any time where an emergency exists or unusual pressing business or necessity demands it, and if under such conditions a female does work overtime she shall not be paid less than time and a half for each and every hour of overtime in any one day.

CHAPTER 63.—*Mine regulations—Wash rooms*

SECTIONS 1–5. *When wash rooms to be supplied; equipment, etc.*—[Owners, etc., of coal mines employing 20 or more miners must, on request of 60 per cent of the employees, erect a bathhouse, suitably equipped with lockers, and supplied with hot and cold water. The employees furnish their own towels and soap and are responsible for property left therein. A monthly fee, not exceeding $1, may be charged for the use of the house or room. Mines to which water for household or drinking purposes is hauled in railroad cars are exempt from the requirements of this act.]

Bureau of Mines—Safety

(Acts of Feb. 25, 1913, March 3, 1915, July 1, 1916)

SECTIONS 783-783c. *Duties and powers.*—[A bureau of mines in the Department of the Interior is charged, among other things, with the duty of making investigations with a view to improving health conditions and increasing safety, safeguarding the use of electricity and explosives, the preventon of fires, and the development of first aid and rescue work. Experiment stations and safety stations, movable or stationary, are to be established, and land, sidings, and housing secured for headquarters for mine rescue cars.]

Department of Labor

(Acts of March 4, 1913, June 30, 1922)

SECTION 932. *Department created.*—There is hereby created an executive department in the Government to be called the Department of Labor, with a Secretary of Labor, who shall be the head thereof, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of twelve thousand dollars per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section one hundred and fifty-eight of the Revised Statutes is hereby amended to include such department, and the provisions of title four of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department; and the Department of Commerce and Labor shall hereafter be called the Department of Commerce, and the Secretary thereof shall be called the Secretary of Commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly. The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment. The said Secretary shall cause a seal of office to be made for the said department of such device as the President shall approve and judicial notice shall be taken of the said seal.

SEC. 933. *Assistant Secretary, etc.*—There shall be in said department an Assistant Secretary of Labor, to be appointed by the President, who shall receive a salary of five thousand dollars a year. He shall perform such duties as shall be prescribed by the Secretary or required by law. There shall also be one chief clerk and a disbursing clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress.

SEC. 933a. *Appointment.*—There shall be in the Department of Labor an additional Secretary, who shall be known and designated as Second Assistant Secretary of Labor. He shall be appointed by the President and shall receive a salary of $5,000 a year. He shall perform such duties as shall be prescribed by the Secretary of Labor, or required by law, and in case of the death, resignation, absence, or sickness of the Assistant Secretary shall, until a successor is appointed or such absence or sickness shall cease, perform the duties devolving upon the Assistant Secretary by reason of section 177, Revised Statutes, unless otherwise directed by the President, as provided by section 179, Revised Statutes.

SEC. 934. *Officers transferred.*—The following-named officers, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration and Naturalization, the Division

of Information, the Division of Naturalization, and the immigration service at large, the Bureau of Labor, the Children's Bureau, and the Commissioner of Labor be, and the same hereby are transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department.

SEC. 940. *Conciliation.*—The Secretary of Labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and all duties performed and all power and authority now possessed or exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the Department of Labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau, officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said Department of Labor.

SEC. 941. *Reports.*—The Secretary of Labor shall annually, at the close of each fiscal year, make a report in writing to Congress, giving an account of all moneys received and disbursed by him and his department and describing the work done by the department. He shall also, from time to time, make such special investigations and reports as he may be required to do by the President, or by Congress, or which he himself may deem necessary.

SEC. 942. *Organization.*—The Secretary of Labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the Secretary of Labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such Department of Labor.

Bureau of Labor Statistics

(Acts of June 13, 1888, March 2, 1895, April 8, 1904, March 4, 1913)

SECTION 944. *Bureau of Labor Statistics.*—The Bureau of Labor shall hereafter be known as the Bureau of Labor Statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the Commissioner of Labor Statistics; and all the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the Commissioner of Labor Statistics; * * *.

SEC. 945. *Duties.*—The Bureau of Labor Statistics, under the direction of the Secretary of Labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same, and to this end said Secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said Secretary of Labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

SEC. 946. *Department created.*—There shall be at the seat of government a Department of Labor the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with labor, in the most general and comprehensive sense of that word and especially upon its relation to capital, the hours of labor, the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity.

SEC. 947. *Commissioner.*—The Department of Labor shall be under the charge of a Commissioner of Labor, who shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for four years, unless sooner removed, and shall receive a salary of five thousand dollars per annum.

[The original act (of 1888) here contained a provision to the effect that the chief clerk should, during the necessary absence of the commissioner or when

the office shall become vacant, perform the duties of commissioner. Since 1906 appropriations have been made for a "chief statistician, who shall also perform the duties of chief clerk."]

SEC. 948. *Duties.*— * * * It shall be the duty of the commissioner also to ascertain and report as to the effect of the customs laws, and the effect thereon of the state of the currency, in the United States, on the agricultural industry, especially as to its effect on mortgage indebtedness of farmers. * * * He shall also establish a system of reports by which at intervals of not less than two years he can report the general condition, so far as production is concerned, of the leading industries of the country. The Commissioner of Labor is also specially charged to investigate the causes of, and facts relating to, all controversies and disputes between employers and employees as they may occur, and which may tend to interfere with the welfare of the people of the different States, and report thereon to Congress. The Commissioner of Labor shall also obtain such information upon the various subjects committed to him as he may deem desirable from different foreign nations and what, if any, convict-made goods are imported into this country, and if so from whence.

SEC. 949. *Bulletins.*—The Commissioner of Labor is hereby authorized to prepare and publish a bulletin of the Department of Labor, as to the condition of labor in this and other countries, condensations of State and foreign labor reports, facts as to conditions of employment, and such other facts as may be deemed of value to the industrial interests of the country, and there shall be printed one edition of not exceeding ten thousand of each issue of said bulletin for distribution by the Department of Labor.[1]

SEC. 952. *Statistics.*—It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in nineteen hundred and five, and every five years thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said commissioner is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

Public employment service

(Act of March 28, 1922)

SECTION 953a (as amended May 28, 1924). *Purpose.*—To enable the Secretary of Labor to foster, promote, and develop the welfare of the wage earners of the United States, including juniors legally employed, to improve their working conditions, to advance their opportunities for profitable employment by regularly collecting, furnishing, and publishing employment information as to opportunities for employment; maintaining a system for clearing labor between the several States; cooperating with and coordinating the public employment offices throughout the country, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914; supplies and equipment, telegraph and telephone service, and miscellaneous expenses, $206,284 [is appropriated].

Children's Bureau

(Act of April 9, 1912)

SECTIONS 954–956. *Creation; functions.*—[A Children's Bureau in the Department of Labor is charged with the duty of investigating, among other things, dangerous occupations, accidents, employment, and State legislation affecting children.]

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[1] The sundry civil appropriation bill of June 4, 1897 (30 Stat. L. 61), authorizes the printing of 15,000 copies of each issue, while that of June 6, 1900 (31 Stat. L. 644), authorizes not to exceed 20,000 copies of any single issue as an extra edition.

Women's Bureau

(Act of June 5, 1920)

SECTION 967⅛. *Bureau established.*—There shall be established in the Department of Labor a bureau to be known as the Women's Bureau.

SEC. 967⅛a. *Director.*—The said bureau shall be in charge of a director, a woman, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive an annual compensation of $5,000. It shall be the duty of said bureau to formulate standards and policies which shall promote the welfare of wage-earning women, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. The said bureau shall have authority to investigate and report to the said department upon all matters pertaining to the welfare of women in industry. The director of said bureau may from time to time publish the results of these investigations in such a manner and to such extent as the Secretary of Labor may prescribe.

SEC. 967⅛b. *Assistant director.*—There shall be in said bureau an assistant director, to be appointed by the Secretary of Labor, who shall receive an annual compensation of $3,500, and shall perform such duties as shall be prescribed by the director and approved by the Secretary of Labor.

Employers' liability—Maritime cases

(Act of March 3, 1911)

SECTION 1233. *Jurisdiction.*—The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States.

* * * * * * *

Third. Of all civil causes of admiralty and maritime jurisdicton, saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

This provision of the judicial code is frequently referred to in actions for personal injuries or death of maritime employees. Congress has twice attempted to save also the rights accruing under the workmen's compensation laws of the several States, but each enactment was held invalid as delegating legislation only in the power of Congress and violating the essential rule of uniformity in admiralty.

Injunctions in labor disputes

(Act of Oct. 15, 1914)

SECTION 1243c. *Injunctions to be specific.*—Every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their officers, agents, servants, employees, and attorneys, or those in active concert or participating with them, and who shall, by personal service or otherwise, have received actual notice of the same.

SEC. 1243d. *Restrictions on issue.*—No restraining order or injunction shall be granted by any court of the United States, or a judge of the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully

persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Civil employment of enlisted men

(Act of June 3, 1916)

SECTION 1892f. *Competitive employment forbidden.*—Hereafter no enlisted man in the active service of the United States in the Army, Navy, and Marine Corps, respectively, whether a noncommisisoned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trade, or professions.

Duties of enlisted men in the Navy

(Act of Aug. 22, 1912)

SECTION 2800. *Dock labor.*—

* * * * * * *

No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port.

Seamen—Duties of consular officers

(Sections 1708, 1719, R. S.)

SECTIONS 3161, 3177. *Lists; returns, etc.*—[Consular officers are required to keep detailed lists of all seamen and mariners shipped and discharged by them, names of vessels concerned, and payments made in connection with discharges. No fee or other compensation may be taken for any services rendered.]

Labor organizations—Membership of postal employees

(Act of Aug. 24, 1912)

SECTION 3287. *Permission to join organizations.*—* * * Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

Mine regulations

(Act of March 3, 1891)

SECTIONS 3502–3520. [This act applied to the Territories of the United States until they should enact legislation of their own; it is now practically obsolete.]

Peonage

(Section 1990, R. S.)

SECTION 3944. *Peonage prohibited.*—The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

Immigration

(Act of Feb. 5, 1917)

SECTION 4289¼b. *Exclusions; contract labor, etc.*—[Contract laborers, induced, assisted, encouraged or solicited to migrate by offers or promises of employment, or by advertisements for laborers published or distributed in a foreign country, are excluded; as are persons whose passage has been paid for by any corporation, association, society, municipality or foreign government. But skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country; the Secretary of Labor is to pass on the necessity for such importation on application of the party interested. Domestic servants are not excluded. Labor to install or conduct an exhibit of an alien exhibitor or concession holder at any fair or exposition authorized by act of Congress is also permitted to enter under approved regulations.]

SEC. 4289¼c. *Prepaying transportation.*—[It is unlawful for any person, company, partnership or corporation to prepay transportation or solicit or induce immigration of contract laborers, unless of exempt classes.]

SEC. 4289¼cc. *Advertising.*—[It is unlawful to induce or encourage immigration by promise of employment through advertisements printed, published or distributed in any foreign country.]

SECS. 4289¼qq–4289¼t. *Seamen.*—[Employing alien seamen with intent to aid or permit their entry into the United States in violation of the law is forbidden, their discharge regulated, and deportation, where unlawfully landed, provided for.]

Chinese exclusion

(Acts of May 6, 1882, July 5, 1884, Sept. 13, 1888, October 1, 1888, May 5, 1892, Nov. 3, 1893, Dec. 8, 1894, July 7, 1898, March 3, 1901, April 29, 1902, April 28, 1904, June 23, 1913)

SECTIONS 4290–4341. *What immigration forbidden.*—[The coming of Chinese laborers into the United States, any territory or island possession is forbidden. Provisions are made for certificates, identification, return after visit abroad, penalties against masters of vessels, and others violating the law, prescribing the duties and powers of immigration officials, etc.]

Coolie trade

(Sections 2158–263, R. S.; act of March 3, 1875)

SECTIONS 4342–4350. *Trade prohibited.*—[The transportation of subjects of China, Japan, or any other oriental country to the United States or any foreign port or place to be sold or held to service or labor is forbidden, and vessels employed in such trade are to be forfeited, besides punishment by fine and imprisonment. Voluntary emigration is not to be affected by these provisions.]

Irrigation works—Employment of labor

(Act of June 17, 1902)

SECTION 4703. *Eight-hour day; Mongolian labor.*—Upon the determination by the Secretary of the Interior that any irrigation project is practicable, he

may cause to be let contracts for the construction of the same. * * *: *Provided*, That in all construction work eight hours shall constitute a day's work, and no Mongolian labor shall be employed thereon.

Manufacture, etc., of white phosphorus matches

(Act of April 9, 1912)

SECTIONS 6271–6287. *Tax regulations.*—[Manufacturers of matches using the common poisonous white or yellow phosphorus must pack such matches in prescribed packages and pay a tax of two cents per 100 matches.]

Seamen—Quarters—Logbook

(Sections 4153, 4290, 7734, R. S., as amended)

SECTIONS 7730, 7731. *Space; ventilation, etc.*—[Modes of measuring merchant vessels are prescribed, and the space, lighting, ventilation, sanitation, etc., of quarters for seamen regulated, including the placing of berths, the supply of hospital banks, protection from the weather, washing and bathing conveniences, etc. Steamboats of the United States plying on the Mississippi River or its tributaries must conform to such of the above requirements as are applicable. Masters of vessels must keep log-books, showing among other things, the conduct, character, and qualifications of each member of the crew; or a statement that he declines to give an opinion thereon.]

Inspection, etc., of steam vessels

(Sections 4389–4462 R. S., as amended; acts of Jan. 6, 1874, May 28, 1908)

SECTIONS 8151–8224. *Inspectors; regulations; licenses, etc.*—[Steam vessels on navigable waters of the United States, except public vessels of the United States, vessels of other countries, and boats navigating canals, must conform to the provisions of this title. Foreign private steam vessels carrying passengers from any port of the United States are subject to certain of these provisions, including official visitation and inspection. These provisions deal, in the main, with the subject of public safety, though the safety and duties of employees are also involved. Local inspectors and assistants, district supervising inspectors and a supervising inspector general, are provided for. The supervising inspectors constitute a board with authority to formulate regulations for carrying out the provisions of this title, which the officers of vessels are required to observe. Local inspectors and assistants are named by the Secretary of Commerce, for hulls and for boilers separately; those of higher rank are appointed by the President.

Hulls and equipment must be inspected at least annually, to determine questions of safety and suitable accommodations for passengers and crew, and as to compliance with the law. Boilers must also be inspected and tested once a year, at least, and gauges, fusible plugs, safety valves, and steam pressure are regulated. Certificates of inspection are given. Freight boats on the Mississippi River and its tributaries, and seagoing barges, are within the provisions of the law, as are tug boats and freight boats. Steam boilers must be constructed as specified, and plates must bear a stamp or mark showing tensile strength. The intentional loading or obstruction of safety valves is forbidden.

Sail vessels of over 700 tons burden and other vessels of over 100 tons, carrying passengers for hire, must have as master, chief mate, engineer, or pilot only persons licensed by the inspectors on satisfactory evidence of experience and qualifications for the respective services. No State may impose any obligation or regulation as to pilots. Licenses must be exhibited, may be renewed without the presence of the applicant, and may be revoked or suspended for cause.

Other than the annual inspections are directed at proper times so often as required to secure safety and proper compliance with the law. Appeals from orders revoking permits to operate may be taken to the Secretary of Commerce. Fees are charged for inspection, graded according to the tonnage of the vessel.]

Seamen—Provisions for safety

(Sections 4463–4500, R. S., as amended; act of March 3, 1913)

SECTIONS 8225–8276. *Crew; equipment, etc.*—[A full complement of licensed officers and crew, including certificated lifeboat men, must be on every vessel. The minimum number of officers for each vessel is to be prescribed by the inspectors. Time off duty for deck watch officers is regulated. Turns are limited to 9 hours in port and 12 at sea, except in emergency.

Suitable fire extinguishing apparatus must be supplied and kept in readiness for use at all times, and fire drills held weekly. Lifeboats and life preservers adequate for passengers and crew are required, and weekly musters and drills of boat crews.]

Seamen—Shipping commissioners—Wages, etc.

(Sections 4501–4612, R. S., as amended; acts of June 9, 1874, June 26, 1884, June 19, 1886, April 11, 1904, June 28, 1906, March 4, 1915, June 5, 1920)

SECTIONS 8287–8314. *Shipment.*—[A shipping commissioner is appointed by the Secretary of Commerce for each port of ocean navigation which he may deem to require the same. He shall give bond in a sum of not less than $5,000 and take oath for the faithful performance of duty. If no commissioner is appointed at any port, customs officers may act; but unauthorized persons acting may be fined not over $500. Vessels in the coast-wise and Lake trade or trading with Canada are not covered by the law, nor where the seamen share in the profits of a cruise or voyage; but commissioners may act on request, except in the last case, receiving one-half the regular fees for their services.

The general duties of shipping commissioners are to keep a register of the names and characters of seamen, superintend their engagement and discharge, provide means for securing the proper presence on board of the men so engaged, facilitate the making of apprenticeships for the sea service, and perform such other duties as the law may direct.

Apprentices must be at least 12 years of age, have the consent of their parents, and be of sufficient health and strength, and it must appear that the master is a proper person. Apprenticeships terminate at 18. Registers and indentures are prescribed.

Masters shipping crews submit agreements covering required details as to conditions of employment, including term, wages, scale of provisions, etc. Engagements may be for a trip to a port, for a round trip, or a number of round trips, or for a definite time. Rules for shipping articles are fixed by the law. No one may knowingly be taken to sea as a member of the crew without entering into an agreement as prescribed. Vacancies in crews may be filled if men are obtainable, report to be made at the first consular office reached. If the engagement is at a port having a consular officer, he must indorse his sanction thereon before it is valid. A copy of the agreement, omitting names, must be posted by the master at the beginning of every voyage or engagement.

Contracts must specify the day and hour for reporting for duty, and failure to report without due notice leads to a forfeiture of one-half of a day's pay for each hour of such failure. Wholly neglecting to report or deserting after reporting forfeits all wages then earned. All shipments in contravention of law are void.]

SECS. 8315–8337a. *Wages and effects.*—[Right to wages and provisions commence with the commencement of work, or at the time specified for beginning work or presence on board, whichever first happens, and the right to wages shall not be dependent on freight. The loss of the vessel terminates wages, but prior earnings must be paid and transportation given to the port of shipment. Improper discharge before a month's wages are earned entitles the seamen to one month's wages as penalty in addition to actual earnings; prompt payment at termination of voyages is required, and one-half of any unpaid balance may be demanded at any port at which the vessel receives or delivers cargo, not oftener than once in 5 days nor at the same entry. Payment of wages in advance is forbidden, or the making of any order or note or other evidence of indebtedness to any other person, or an order to pay any person for the shipment of a seaman a sum to be deducted from his wages, but allotments may be made to grandparents, parents, wife, sister, or children. Wages are

not subject to attachment or arrestment from any court. Assignments of wages prior to the accruing thereof are not valid. Detailed provision is made for procedure in the recovery of wages and for the disposition of the wages and effects of deceased seamen.

In suits for damages for personal injury seamen in command are not fellow servants with those under their authority.]

SECS. 8338–8342. *Discharge.*—[Seamen must be discharged and receive their wages in the presence of a shipping commissioner, unless a court directs otherwise. Certificates of discharge and of character in prescribed forms are required.]

SECS. 8343–8376. *Protection and relief.*—[The duties of commissioners as arbiters of disputes between seamen and masters, owners, etc., are fixed, and procedure, the settlement of claims as to unseaworthiness, neglect to provide sufficient stores, medicines, or slop chests are regulated or provided against; sailors are to be divided into at least two watches, and firemen, oilers, and water tenders into at least three. Added provisions are made as to discharge and the payment of wages under special conditions.]

SECS. 8377–8379. *Fees of shipping commissioners.*—[The taking of fees for hiring or supplying seamen for merchant vessels is forbidden.]

SECS. 8380–8392a. *Offenses and punishments.*—[Penalties are fixed for desertion, insubordination, drunkenness, neglect of duty, damaging the vessel, or embezzling or damaging stores or cargo. Seamen may not carry sheath knives. Corporal punishment is prohibited. No one may board a vessel before arrival or, being on board within 24 hours after its arrival, may solicit seamen as lodgers or take out a seaman's effects except under his personal direction and with the permission of the master.]

Liability of railroad companies for injuries to employees

(Acts of April 22, 1908, April 5, 1910)

SECTION 8657. *Interstate commerce.*—Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and if none, then of such employee's parents, and if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

A workman repairing a bridge on an interstate road, injured by an interstate train, was held entitled to the benefits of the act, since his employment was indispensable to interstate commerce. Pederson *v.* D., L. & W. R. Co., 229 U. S. 146, 33 Sup. Ct. 648.

So of track repair men. 179 Fed. 893, 180 Fed. 832, 149 S. W. 951.

And of a yard clerk in a railway yard for the purpose of taking the numbers of the cars on an interstate freight train. St. Louis, etc., R. Co. *v.* Seale, 229 U. S. 156, 33 Sup. Ct. 651.

And of the members of a switching crew placing loaded cars and cars for loading for the convenience of an interstate train. 131 Pac. 507.

And of a workman engaged in loading interstate freight into a car. 207 Fed. 311.

And a brakeman injured while getting ice to cool a hot box on an interstate train. 203 Fed. 956.

And a pumper at a water station going to his work on a hand car furnished by his employer. 130 Pac. 897.

And a fireman crossing tracks on his way to work. 196 Fed. 336.

And a repair hand working on an interstate engine tender while standing on a side track between runs. 204 Fed. 751.

SEC. 8658. *Commerce within Territories, etc.*—Every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable to damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and if none, then of such employee's parents, and if none, then of the next of kin dependent upon such employee, for such injury or

death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

SEC. 8659. *Comparative negligence.*—In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Under this section the full measure of damages is to be reduced in proportion to the amount of the employee's negligence as compared with the combined negligence of himself and his employer. Norfolk & W. R. Co. *v.* Earnest, 229 U. S. 114, 33 Sup. Ct. 654.

SEC. 8660. *Risk not assumed, when.*—In any action brought against any common carrier under or by virtue of any of the provisions of this act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

SEC. 8661. *Contracts of waiver.*—Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

The receipt of benefits from a relief fund under an agreement that such receipt shall operate as a release from all claims for damages is not a bar to an action for injuries under this act. Prior contracts are controlled by this section no less than those made after its enactment. It is constitutional. Philadelphia, B. & W. R. Co. *v.* Schubert, 224 U. S. 603, 32 Sup. Ct. 589.

Nor does the actual signing of a release and the receipt of benefits bar an action for damages, the release being the contractual method of obtaining the relief benefits. 197 Fed. 31.

SEC. 8662. *Limitation.*—No action shall be maintained under this act unless commenced within two years from the day the cause of action accrued.

Under this act an action may be brought in a [circuit court] of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing of such action. The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

SEC. 8663. *Definition*—The term "common carrier" as used in this act shall include the receiver or receivers or other persons of corporations charged with the duty of the management and operation of the business of a common carrier.

SEC. 8664. *Effect of law.*—Nothing in this act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the act of Congress entitled "An act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906.

SEC. 8665. *Survival of right of action.*—Any right of action given by this act to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none,

then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury.

This statute is constitutional, and supersedes State laws covering the same field. It is enforceable in State courts of competent jurisdiction, as well as in the courts of the United States. No man has a vested interest in any rule of the common law, and Congress had power to abrogate or modify the employers' customary defenses. The restriction to certain classes of workmen is a reasonable classification. Mondou v. R. Co. (second employers' liability cases), 223 U. S. 1, 32 Sup. Ct. 169.

Courts are presumed to be cognizant of its existence, and that it supersedes State laws. Missouri, K. & T. R. Co. v. Wulf, 226 U. S. 570, 33 Sup. Ct. 135.

The liability created is for pecuniary loss and damage sustained by the dependent relatives, and not for speculative loss of care, and advice to a wife, though a child may recover for loss of care, training, or education. Michigan C. R. Co. v. Vreeland, 227 U. S. 59, 33 Sup. Ct. 192.

One not dependent can recover nothing. Gulf, etc., R. Co. v. McGinnis, 228 U. S. 173, 33 Sup. Ct. 426.

Railroad employees—Reduction of wages by receivers

(Act of July 15, 1913)

SECTION 8674. *Receiverships.*—Whenever receivers appointed by a Federal court are in the possession and control of the business of employees covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Hours of service of railroad employees

(Acts of March 4, 1907, May 4 and Sept. 3, 5, 1916)

SECTION 8677. *Application of law.*—The provisions of this act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States, or from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned and operated under a contract, agreement, or lease; and the term "employees" as used in this act shall be held to mean persons actually engaged in or connected with the movement of any train.

SEC. 8678. *Limit of sixteen hours.*—It shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four

additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The Interstate Commerce Commission may after full hearing in a particular case and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case.

A train crew gathering up loaded cars from spur lines and placing them for movement by an interstate train is engaged in interstate commerce. A protracted delay of an indefinite period, liable to be terminated at any time, can not be deducted from the working day, though the actual labor was of less than 16 hours' duration, since the men were on duty and not definitely laid off. 197 Fed. 624.

Thirty minutes' preparation time required of an engineer before beginning his run is to be counted as part of his work period. 180 Fed. 630.

Communications by telephone between towermen, not emanating from a train dispatcher's office, are orders within the meaning of this section. 205 Fed. 344.

SEC. 8679. *Penalty for violation; exceptions.*—Any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not less than $100 nor more than $500 for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United Sates having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorney information of any such violations as may come to its knowledge. In all prosecutions under this act the common carrier shall be deemed to have knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this act shall not apply to the crews of wrecking or relief trains.

SEC. 8680. *Enforcement.*—It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this act.

A separate penalty is recoverable for each member of a train crew working overtime in violation of this act. Missouri, K. & T. R. Co. *v.* U. S., 231 U. S. 112, 34 Sup. Ct. 26.

A violation of this statute does not make the employer absolutely liable for injuries received by the employee during his overtime employment, but such violation must be shown to be the proximate cause of the injury. St. Louis, I. M. & S. R. Co. *v.* McWhirter, 229 U. S. 265, 33 Sup. Ct. 858.

SEC. 8680a. *Standard work day.*—Beginning January first, nineteen hundred and seventeen, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the act of February fourth, eighteen hundred and eighty-seven, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads, though less than one hundred miles in length, whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants.

SEC. 8680b. *Commission of observation.*—[This section provided for a temporary commission of observation to observe and report within nine months on the operation and effects of the law. It is now obsolete.]

SEC. 8680c. *No change of rates.*—Pending the report of the commission herein provided for and for a period of thirty days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

SEC. 8680d. *Violations.*—Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 nor more than $1,000, or imprisoned not to exceed more than one year, or both.

This act is constitutional. Congress has power to fix the hours of labor on railroads engaged in interstate commerce, to determine wage rates, and to arbitrate disputes in such a manner as to secure the continued operations of the roads. Wilson *v.* New, 243 U. S. 332, 37 Sup. Ct. 298.

The act relates only to the classes of employees concerning whom the dispute as to wages existed, i. e., those engaged in the movement of trains. It is therefore not applicable to the case of a switch tender, even though his constant attention to duty is essential to the movement of trains. Coke *v.* Illinois Central R. R. Co., 255 Fed. 190.

Antitrust law—Exemption as to labor

(Act of July 2, 1890)

SECTION 8820. *Restraint of trade.*—Every contract, combination in the form of trust or otherwise, or conspiracy, in restrain of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8821. *Monopoly.*—Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8822. *Trusts.*—Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8823. *Jurisdiction of courts.*—The several [circuit courts] of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order of prohibition as shall be deemed just in the premises.

SEC. 8827. *Additional parties.*—Whenever it shall appear to the court before which any proceeding under section four of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 8828. *Forfeiture of property in transit.*—Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section one of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 8829. *Damages.*—Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any [circuit court] of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including a reasonable attorney's fee.

SEC. 8830. *Definition.*—The word "person," or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

This act applies to combinations of laborers as well as of capitalists. The fact that a combination of men is in its origin and general purposes innocent and lawful is no ground of defense when the combination is turned to the unlawful purpose of restraining interstate and foreign commerce. A combination to secure or compel the employment of none but union men becomes a combination in restraint of interstate commerce within the meaning of this act, when, in order to gain its ends, it seeks to enforce and does enforce, by violence and intimidation, a discontinuance of labor in all departments of business, including the transportation of goods from State to State, and to and from foreign nations. 54 Fed. 994.

A rule of a labor organization which forbids its members to handle the cars of a railroad against which the organization has a grievance until such grievance has been adjusted is violative of section 1 of this act as being in restraint of trade or commerce. 55 Fed. 149.

A combination of workingmen to interfere with the manufacture, transportation and sale of an article of interstate commerce by a boycott is in restraint of trade, and violates this statute. Loewe *v.* Lawlor, 208 U. S. 274, 28 Sup. Ct. 301.

Under section 5, an injunction order may provide that it shall be in force on defendants not named in the bill, but who are within the terms of the order where it also provides that it is operative on all persons acting in concert with the designated defendants, though not named in the writ, after the commission of some act by them in furtherance of the conspiracy against which the order is directed, and service of the writ on them. 62 Fed. 801.

The provision for forfeiture in section 6 of this act does not imply that only cases in which property shall be found subject to forfeiture shall be deemed within the scope of the act. The power given to circuit courts "to prevent and restrain violations" of the act, is not an invasion of the right of trial by jury, as the jurisdiction so given by equity will be deemed to be limited to such cases only as are of equitable cognizance. 64 Fed. 724.

SEC. 8835f. *Exemptions.*—The labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

Labor organizations—Incorporation of national trade-unions

(Act of June 29, 1886)

SECTION 8908. *Definition.*—The term "national trade-union," in the meaning of this act, shall signify any association of working people having two or more branches in the States or Territories of the United States for the purpose of aiding its members to become more skillful and efficient workers, the promotion of their general intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of their trade or trades, the raising of funds for the benefit of sick, disabled, or unemployed members, or the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

SEC. 8909. *Incorporation, powers, etc.*—National trade-unions shall, upon filing their articles of incorporation in the office of the recorder of the District of Columbia, become a corporation under the technical name by which said na-

tional trade-union desires to be known to the trade; and shall have the right to sue and be sued, to implead and be impleaded, to grant and receive, in its corporate or technical name, property, real, personal, and mixed, and to use said property, and the proceeds and income thereof, for the objects of said corporation as in its charter defined: *Provided*, That each union may hold only so much real estate as may be required for the immediate purposes of its incorporation.

SEC. 8910. *Constitution, etc.*—An incorporated national trade-union shall have power to make and establish such constitution, rules, and by-laws as it may deem proper to carry out its lawful objects, and the same to alter, amend, add to, or repeal at pleasure.

SEC. 8911. *Officers.*—An incorporated national trade-union shall have power to define the duties and powers of all its officers, and prescribe their mode of election and term of office, to establish branches and subunions in any Territory of the United States.

SEC. 8912. *Headquarters.*—The headquarters of an incorporated national trade-union shall be located in the District of Columbia.

There is nothing in this act to countenance the idea that it so changes the common law as to authorize combinations and conspiracies of interstate employees to quit the service in a body, with the design and intent of crippling the property in their custody, or embarrassing the operation of the road, with the ulterior purpose of enforcing a demand against the master. 60 Fed. 803.
It does not sanction illegal combinations. 63 Fed. 310.

Hours of labor on public works

(Act of August 1, 1892, as amended March 3, 1913; act of June 19, 1912)

SECTION 8918. *Limit of eight hours—River and harbor dredging, etc.*—The service and employment of all laborers and mechanics who are now, or may hereafter, be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.

SEC. 8919. *Violations.*—[Punishment for violation is a fine not exceeding $1,000, or imprisonment not over 6 months, or both.]

SEC. 8920. *Act construed.*—The provisions of this act shall not be so construed as to in any manner apply to or affect contractors, or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act or may be entered into under the provisions of appropriation acts approved prior to the passage of this act.

This act does not apply to labor on public roads under the Federal appropriation for the improvement of such roads, local funds being also furnished, and the work being done under the supervision of the Secretary of Agriculture. 30 Op. 210.

SEC. 8921. *Scope of act.*—Every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this act directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 8922. *Exemptions.*—Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, are now, or may hereafter be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section one of this act. The President, by Executive order, may waive the provisions and stipulations in this act as to any specific contract or contracts during time of war or a time when war is imminent, and until January first, nineteen hundred and fifteen, as to any contract or contracts entered into in connection with the construction of the Isthmian Canal. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this act shall be construed to repeal or modify the act * * * [secs. 8918–8920].

This statute does not apply to the dressing of stone or marble for public buildings, the work not being done on the sites of the buildings. 30 Op. 211.

Nor to the manufacture of materials and articles for use in public buildings, if of a class that could be purchased in the open market, even though made to meet certain specifications. 30 Op. 31.

Nor to paper, leathers, cloth, ink, etc., manufactured according to specifications for the use of the Government Printing Office. 30 Op. 24.

Vocational rehabilitation—Cooperation with the States[1]

(Act of June 2, 1920)

SECTION 8932¼ (as amended June 5, 1924). *Purpose; appropriation.*—In order to provide for the promotion of vocational rehabilitation of persons disabled in industry or in any legitimate occupation and their return to civil employment there is hereby authorized to be appropriated for the use of the States, subject to the provisions of this act, for the purpose of cooperating with them in the maintenance of vocational rehabilitation of such disabled persons, and in returning vocationally rehabilitated persons to civil employment for each of the fiscal years ending June 30, 1925, June 30, 1926, and June 30, 1927, and thereafter for a period of three years, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States, not including Territories, outlying possessions, and the District of Columbia, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall not be less than a minimum of $5,000 for any fiscal year. And there is hereby authorized to be appropriated for the fiscal years ending June 30, 1925, 1926, and 1927, the sum of $34,000, or so much thereof as may be needed, which shall be used for the purpose of providing the minimum allotment to the States provided for in this section.

SEC. 8932¼a (as amended June 5, 1924). *Conditions of allotment.*—All moneys expended under the provisions of this act from appropriations authorized by section 1 shall be upon the condition (1) that for each dollar of Federal money expended there shall be expended in the State under the supervision and control of the State board at least an equal amount for the same purpose: *Provided*, That no portion of the appropriations authorized by this act shall be used by any institution for handicapped persons except for the special training of such individuals entitled to the benefits of this act as shall be determined by the Federal board; (2) that the State board shall annually submit to the Federal board for approval plans showing (a) the kinds of vocational rehabilitation and schemes of placement for which it is proposed the appropriation shall be used; (b) the plan of administration and supervision; (c) courses of study; (d) methods of instruction; (e) qualification of teachers, supervisors, directors, and other necessary administrative officers or employees; (f) plans for the training of teachers, supervisors, and directors; (3) that the State board shall make an annual report to the Federal board on or before September 1 of each year on the work done in the State and on the receipts and expenditures of money under the provisions of this act; (4) that no portion of any moneys appropriated by this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, preservation, erection, or repair of any building or buildings or equipment, or for the purchase or rental of any lands; (5) that all courses for vocational rehabilitation given under the supervision and control of the State board and all courses for vocational rehabilitation maintained shall be available, under such rules and regulations as the Federal board shall prescribe, to any civil employee of the United States disabled while in the performance of his duty.

SEC. 8932¼b. *Persons covered.*—For the purpose of this act the term "persons disabled" shall be construed to mean any person who, by reason of a physical defect or infirmity, whether congenital or acquired by accident, injury, or disease, is, or may be expected to be, totally or partially incapacitated for remunerative occupation; the term "rehabilitation" shall be construed to mean the rendering of a person disabled fit to engage in a remunerative occupation.

SEC. 8932¼c (as amended June 5, 1924). *Action by States.*—In order to secure the benefits of the appropriations authorized by section 1 any State shall, through the legislative authority thereof, (1) accept the provisions of this act; (2) empower and direct the board designated or created as the State board for vocational education to cooperate in the administration of the provisions of the vocational education act, approved February 23, 1917, to cooperate as herein provided with the Federal Board for Vocational Education in the administration of the provisions of this act; (3) in those States where a State workmen's compensation board or other State board, department, or

[1] An amendment of Mar. 10, 1924, extends the provisions of the act to the Territory of Hawaii.

agency exists, charged with the administration of the State workmen's compensation or liability laws, the legislature shall provide that a plan of cooperation be formulated between such State board, department, or agency and the State board charged with the administration of this act, such plan to be effective when approved by the governor of the State; (4) provide for the supervision and support of the courses of vocational rehabilitation to be provided by the State board in carrying out the provisions of this act; (5) appoint as custodian for said appropriations its State treasurer, who shall receive and provide for the proper custody and disbursement of all money paid to the State from said appropriations: * * *.

SEC. 8932¼d. *Federal Board.*—The Federal Board for Vocational Education shall have power to cooperate with State boards in carrying out the purposes and provisions of this act, and is hereby authorized to make and establish such rules and regulations as may be necessary or appropriate to carry into effect the provisions of this act; to provide for the vocational rehabilitation of disabled persons and their return to civil employment and to cooperate, for the purpose of carrying out the provisions of this act, with such public and private agencies as it may deem advisable.

SEC. 8932¼e. *Duties.*—It shall be the duty of said board (1) to examine plans submitted by the State boards and approve the same if believed to be feasible and found to be in conformity with the provisions and purposes of this act; (2) to ascertain annually whether the several States are using or are prepared to use the money received by them in accordance with the provisions of this act; (3) to certify on or before the 1st day of January of each year to the Secretary of the Treasury each State which has accepted the provisions of this act and complied therewith, together with the amount which each State is entitled to receive under the provisions of this act; (4) to deduct from the next succeeding allotment to any State whenever any portion of the fund annually allotted has not been expended for the purpose provided for in this act a sum equal to such unexpended portion; (5) to withhold the allotment of moneys to any State whenever it shall be determined that moneys allotted are not being expended for the purposes and conditions of this act; (6) to require the replacement by withholding subsequent allotments of any portion of the moneys received by the custodian of any State under this act that by any action or contingency is diminished or lost: *Provided*, That if any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not, within one year from the time of said appeal, direct such sum to be paid, it shall be covered into the Treasury.

SEC. 8932¼f. *Payments.*—The Secretary of the Treasury, upon the certification of the Federal board as provided in this act, shall pay quarterly to the custodian of each State appointed as herein provided the moneys to which it is entitled under the provisions of this act. The moneys so received by the custodian for any State shall be paid out on the requisition of the State board as reimbursement for services already rendered or expenditures already incurred and approved by said State board.

SEC. 8932¼g. *Reports.*—The Federal Board for Vocational Education shall make an annual report to the Congress on or before December 1 on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

SEC. 8932¼k. *Gifts.*—The Federal Board for Vocational Education is hereby authorized and empowered to receive such gifts and donations from either public or private sources as may be offered unconditionally.

SEC. 8932¼l. *Special fund.*—All moneys received as gifts or donations shall be paid into the Treasury of the United States, and shall constitute a permanent fund, to be called the "Special fund for vocational rehabilitation of disabled persons," to be used under the direction of the said board to defray the expenses of providing and maintaining courses of vocational rehabilitation in special cases, including the payment of necessary expenses of persons undergoing training.

SEC. 8932¼m. *Reports.*—A full report of all gifts and donations offered and accepted, together with the names of the donors and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to Congress by said board: *Provided*, That no discrimination shall be made or permitted for or against any person or persons who are en-

titled to the benefits of this act because of membership or nonmembership in any industrial, fraternal, or private organization of any kind under a penalty of $200 for every violation thereof.

Seamen's hospitals

(Sections 4801, 4804, 4805, R. S.; acts of March 3, 1875, Aug. 4, 1894)

SECTIONS 9189–9194. *Establishment; admission, etc.*—[The President is authorized to receive donations for hospitals for sick and disabled seamen. (Hospitals are maintained in connection with the Public Health Service, formerly known as the Public Health and Marine Hospital Service.) The term "seamen" includes any person employed on board in the care, preservation or navigation of any vessel. Persons employed on canal boats in the coasting trade are excluded. Employees of the Life-Saving Service are admitted, as are sick foreign seamen, if it can with convenience be done, at such rates and under such regulations as the Secretary of the Treasury may prescribe.]

Wages preferred—In bankruptcy

(Act of July 1, 1898, as amended June 15, 1906, Jan. 7, 1922)

SECTION 9601. *Wage debts not discharged.*—[A discharge in bankruptcy does not release the debtor from liability for wages due workmen, servants, clerks, or salesmen earned within 3 months prior to the commencement of proceedings in bankruptcy, nor from money held as an employee's deposit to secure the performance of a contract of employment.]

SEC. 9648. *Priority.*—[Wages as above, not exceeding $300 to each claimant, are to be paid by the trustee next after costs of petition, filing fees, and costs of administration.]

Adjustment of disputes of railroad employees—Labor board

(Act of Feb. 28, 1920)

SECTION 10071¼ee. *Definitions.*—When used in this title—

(1) The term "carrier" includes any express company, sleeping-car company, and any carrier by railroad, subject to the interstate commerce act, except a street, interurban, or suburban electric railway not operating as a part of a general steam railroad system of transportation;

(2) The term "adjustment board" means any railroad board of labor adjustment established under section 302;

(3) The term "Labor Board" means the Railroad Labor Board;

(4) The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation; and

(5) The term "subordinate official" includes officials of carriers of such class or rank as the commission [Interstate Commerce Commission] shall designate by regulation formulated and issued after such notice and hearing as the commission may prescribe, to the carriers, and employees and subordinate officials of carriers, and organizations thereof, directly to be affected by such regulations.

SEC. 10071¼eee. *Avoidance of interruptions.*—It shall be the duty of all carriers and their officers, employees, and agents to exert every reasonable effort and adopt every available means to avoid any interruption to the operation of any carrier growing out of any dispute between the carrier and the employees or subordinate officials thereof. All such disputes shall be considered and if possible decided in conference between representatives designated and authorized so to confer by the carriers, or the employees or subordinate officials thereof, directly interested in the dispute. If any dispute is not decided in such conference it shall be referred by the parties thereto to the board which under the provisions of this title is authorized to hear and decide such dispute.

SEC. 10071¼f. *Boards of adjustment.*—Railroad boards of labor adjustment may be established by agreement between any carrier, group of carriers, or

the carriers as a whole, and any employees or subordinate officials of carriers, or organization or group of organizations thereof.

SEC. 10071¼ff. *To act, when.*—Each such adjustment board shall (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon the written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, (3) upon the adjustment board's own motion, or (4) upon the request of the labor board whenever such board is of the opinion that the dispute is likely substantially to interrupt commerce, receive for hearing, and as soon as practicable and with due diligence decide any dispute involving only grievances, rules, or working conditions not decided, as provided in section 301, between the carrier and its employees or subordinate officials who are or any organization thereof which is, in accordance with the provisions of section 302, represented upon any such adjustment board.

SEC. 10071¼fff. *Railroad Labor Board.*—There is hereby established a board to be known as the "Railroad Labor Board" and to be composed of nine members as follows:

(1) Three members constituting the labor group, representing the employees and subordinate officials of the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by such employees in such manner as the commission shall by regulation prescribe;

(2) Three members, constituting the management group, representing the carriers, to be appointed by the President, by and with the advice and consent of the Senate, from not less than six nominees whose nominations shall be made and offered by the carriers in such manner as the commission shall by regulation prescribe; and

(3) Three members, constituting the public group, representing the public, to be appointed directly by the President, by and with the advice and consent of the Senate.

Any vacancy on the Labor Board shall be filled in the same manner as the original appointment.

SEC. 10071¼g. *Failure to nominate.*—If either the employees or the carriers fail to make nominations and offer nominees in accordance with the regulations of the commission, as provided in paragraphs (1) and (2) of section 304, within thirty days after the passage of this act in case of any original appointment to the office of member of the Labor Board, or in case of a vacancy in any such office within fifteen days after such vacancy occurs, the President shall thereupon directly make the appointment by and with the advice and consent of the Senate. In making any such appointment the President shall, as far as he deems it practicable, select an individual associated in interest with the carriers or employees thereof, whichever he is to represent.

SEC. 10071¼gg. *Eligibility.*—(a) Any member of the Labor Board who during his term of office is an active member or in the employ of or holds any office in any organization of employees or subordinate officials, or any carrier, or owns any stock or bond thereof, or is pecuniarily interested therein shall at once become ineligible for further membership upon the Labor Board, but no such member is required to relinquish honorary membership in, or his rights in any insurance or pension or other benefit fund maintained by, any organization of employees or subordinate officials or by a carrier.

(b) Of the original members of the Labor Board, one from each group shall be appointed for a term of three years, one for two years, and one for one year. Their successors shall hold office for terms of five years, except that any member appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. Each member shall receive from the United States an annual salary of $10,000. A member may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

SEC. 10071¼ggg. *Cases from boards of adjustment.*—(a) The Labor Board shall hear, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions in respect to which any adjustment board certifies to the Labor Board that in its opinion the adjustment board has failed or will fail to reach a decision within a reasonable time, or in respect to which the Labor Board determines that any adjustment board has so failed or is not using due diligence in its consideration thereof. In case

the appropriate adjustment board is not organized under the provisions of section 302, the Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, any dispute involving grievances, rules, or working conditions which is not decided as provided in section 301 and which such adjustment board would be required to receive for hearing and decision under the provisions of section 303.

(b) The Labor Board, (1) upon the application of the chief executive of any carrier or organization of employees or subordinate officials whose members are directly interested in the dispute, (2) upon a written petition signed by not less than 100 unorganized employees or subordinate officials directly interested in the dispute, or (3) upon the Labor Board's own motion if it is of the opinion that the dispute is likely substantially to interrupt commerce, shall receive for hearing, and as soon as practicable and with due diligence decide, all disputes with respect to the wages or salaries of employees or subordinate officials of carriers, not decided as provided in section 301. The Labor Board may upon its own motion within ten days after the decision, in accordance with the provisions of section 301, of any dispute with respect to wages or salaries of employees or subordinate officials of carriers, suspend the operation of such decision if the Labor Board is of the opinion that the decision involves such an increase in wages or salaries as will be likely to necessitate a substantial readjustment of the rates of any carrier. The Labor Board shall hear any decision so suspended and as soon as practicable and with due diligence decide to affirm or modify such suspended decision.

(c) A decision by the Labor Board under the provisions of paragraphs (a) or (b) of this section shall require the concurrence therein of at least 5 of the 9 members of the Labor Board: *Provided*, That in case of any decision under paragraph (b), at least one of the representatives of the public shall concur in such decision. All decisions of the Labor Board shall be entered upon the records of the board and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each adjustment board, and the commission, and shall be given further publicity in such manner as the Labor Board may determine.

(d) All the decisions of the Labor Board in respect to wages or salaries and of the Labor Board or an adjustment board in respect to working conditions of employees or subordinate officials of carriers shall establish rates of wages and salaries and standards of working conditions which, in the opinion of the board, are just and reasonable. In determining the justness and reasonableness of such wages and salaries or working conditions the board shall, so far as applicable, take into consideration among other relevant circumstances:

(1) The scales of wages paid for similar kinds of work in other industries;

(2) The relation between wages and the cost of living;

(3) The hazards of the employment;

(4) The training and skill required;

(5) The degree of responsibility;

(6) The character and regularity of the employment; and

(7) Inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments.

SEC. 10071¼h. *Organization; offices.*—The Labor Board—

(1) Shall elect a chairman by majority vote of its members;

(2) Shall maintain central offices in Chicago, Illinois, but the Labor Board may, whenever it deems it necessary, meet at such other place as it may determine:

(3) Shall investigate and study the relations between carriers and their employees, particularly questions relating to wages, hours of labor, and other conditions of employment and the respective privileges, rights, and duties of carriers and employees, and shall gather, compile, classify, digest, and publish, from time to time data and information relating to such questions to the end that the Labor Board may be properly equipped to perform its duties under

this title and that the members of the adjustment boards and the public may be properly informed;

(4) May make regulations necessary for the efficient execution of the functions vested in it by this title; and

(5) Shall at least annually collect and publish the decisions and regulations of the Labor Board and the adjustment boards and all court and administrative decisions and regulations of the commission in respect to this title, together with cumulative index-digest thereof.

SEC. 10071¼hh. *Representation.*—Any party to any dispute to be considered by an adjustment board or by the Labor Board shall be entitled to a hearing either in person or by counsel.

SEC. 10071¼hhh. *Witnesscs.*—(a) For the efficient administration of the functions vested in the Labor Board by this title, any member thereof may require, by subpœna issued and signed by himself, the attendance of any witness and the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and the taking of a deposition before any designated person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed to by the deponent. Any member of the Labor Board may administer oaths and examine any witness. Any witness summoned before the board and any witness whose deposition is taken shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) In case of failure to comply with any subpœna or in case of the contumacy of any witness appearing before the Labor Board, the board may invoke the aid of any United States district court. Such court may thereupon order the witness to comply with the requirements of such subpœna, or to give evidence touching the matter in question, as the case may be. Any failure to obey such order may be punished by such court as a contempt thereof.

(c) No person shall be excused from so attending and testifying or deposing, nor from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing, as to which in obedience to a subpœna and under oath, he may so testify or produce evidence, documentary or otherwise. But no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

SEC. 10071¼i. (a) *Access to books, etc.*—When necessary to the efficient administration of the functions vested in the Labor Board by this title, any member, officer, employee, or agent thereof, duly authorized in writing by the board, shall at all reasonable times for the purpose of examination have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the board is authorized to consider or investigate. Any person who upon demand refuses any duly authorized member, officer, employee, or agent of the Labor Board such right of access or copying, or hinders, obstructs, or resists him in the exercise of such right, shall upon conviction thereof be liable to a penalty of $500 for each such offense. Each day during any part of which such offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) Every officer or employee of the United States, whenever requested by any member of the Labor Board or an adjustment board duly authorized by the board for the purpose, shall supply to such board any data or information pertaining to the administration of the functions vested in it by this title, which may be contained in the records of his office.

(c) The President is authorized to transfer to the Labor Board any books, papers, or documents pertaining to the administration of the functions vested in the board by this title, which are in the possession of any agency, or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal control act and which are no longer necessary to the administration of the affairs of such agency.

SEC. 10071¼ii. *Wages to be maintained.*—Prior to September 1, 1920, each carrier shall pay to each employee or subordinate official thereof wages or

salary at a rate not less than that fixed by the decision of any agency or railway board of adjustment in connection therewith, established for executing the powers granted the President under the Federal control act, in effect in respect to such employee or subordinate official immediately preceding 12.01 a. m. March 1, 1920. Any carrier acting in violation of any provision of this section shall upon conviction thereof be liable to a penalty of $100 for each such offense. Each such action with respect to any such employee or subordinate official and each day or portion thereof during which the offense continues shall constitute a separate offense. Such penalty shall be recoverable in a civil suit brought in the name of the United States, and shall be covered into the Treasury of the United States as miscellaneous receipts.

SEC. 10071¼iii. *Violations.*—The Labor Board, in case it has reason to believe that any decision of the Labor Board or of an adjustment board is violated by any carrier, or employee or subordinate official, or organization thereof, may upon its own motion after due notice and hearing to all persons directly interested in such violations, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine.

SEC. 10071¼j. *Appointees.*—The Labor Board may (1) appoint a secretary, who shall receive from the United States an annual salary of $5,000; and (2) subject to the provisions of the civil-service laws, appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees, as are necessary for the efficient execution of the functions vested in the board by this title and as may be provided for by Congress from time to time. All of the expenditures of the Labor Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the Labor Board.

SEC. 10071¼jj. *Appropriation.*—There is hereby appropriated for the fiscal year ending June 30, 1920, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be expended by the Labor Board for defraying the expenses of the maintenance and establishment of the board, including the payment of salaries as provided in this title.

SEC. 10071¼jjj. *Board of mediation and conciliation.*—The powers and duties of the board of mediation and conciliation created by the act approved July 15, 1913, shall not extend to any dispute which may be received for hearing and decision by any adjustment board or the Labor Board.

This board was abolished December 15, 1921.

Enticement of employees in arsenals or armories

(Act of March 4, 1909)

SECTION 10207. *Inducing violation of contract.*—Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than fifty dollars or imprisoned not more than three months, or both.

Seamen—Kidnaping to service

(Act of March 4, 1909)

SECTION 10250. *Shanghaiing.*—[What is commonly known as the shanghaiing of sailors is described and declared unlawful, fine or imprisonment, or both, being fixed as penalties.]

Obstructing the mail

(Act of March 4, 1909)

SECTION 10371. *Delaying mail.*—Whoever shall knowingly and willfully obstruct or retard the passage of the mail or any carriage, horse, driver, or car-

rier of car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than one hundred dollars or imprisoned not more than six months, or both.

This section applies only to acts performed with the intention of obstructing, and not to acts in themselves lawful from which delay unavoidably follows. 7 Wall. 482.

This section applies to the unlawful stopping of a railway mail train, although those guilty are willing to permit the movement of the mail car detached from the passenger cars of the train. 13 Phil. Rep. 476.

Also to the stopping of a train by discharged railway laborers, although their primary intention may not be to obstruct the mail but to obtain a return passage. 19 Fed. 42.

Where the transportation of mails and interstate commerce has long been interrupted by the refusal of the employees of the railway company to move trains carrying certain cars, it is the duty of the company to use every effort to move the mails and interstate commerce, without regard to the make-up of regular trains; and any failure to perform this duty is a violation of this statute. 62 Fed. 840.

If a mail train which carries a Pullman car as a part of its regular make-up is delayed because it carries such car, it is no defense that the parties so delaying it were willing that the mail should proceed if the Pullman car were left behind. It is not necessary that defendants should be shown to have had knowledge that the mails were on board a train which they have detained and disabled. They are chargeable with an intent to do whatever is the reasonable and natural consequence of their acts. 67 Fed. 698.

Peonage

(Act of March 4, 1909)

SECTION 10442. *Penalty.*—Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage shall be fined not more than five thousand dollars or imprisoned not more than five years, or both.

SEC. 10443. *Obstructing enforcement of act.*—Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding shall be liable to the penalties therein prescribed.

ACTS OF 1924

CHAPTER 203.—*Efficiency tests—Place of work—Navy Department*

Tests forbidden; placing of contracts.—No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquirement, by or from any private contractor, of any naval vessel, machinery, article or articles that at the time of the proposed repair, purchase, or acquirement, can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquirement, or production, would not involve an appreciable increase in cost to the Government.

The foregoing provision as to the use of stop watches and the giving of bonuses, etc., contained in the naval appropriation act of May 28, 1924, appears also in the appropriation for the War Department for the same year (ch. 291), and is reproduced from previous acts on these subjects, in which it has appeared currently each year since 1915.

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